

Franklin

PREFIX TO STATUTES, 1953-54

ACTS PROCLAIMED IN FORCE

LIST OF PROCLAMATIONS FROM JULY, 1953,
TO SEPTEMBER, 1954

MISCELLANEOUS PROCLAMATIONS



EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954



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PROCLAMATIONS OF CANADA, JULY, 1953, TO SEPTEMBER, 1954

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PROCLAMATIONS OF CANADA, JULY, 1953, TO SEPTEMBER, 1954

	DATE IN FORCE	CANADA GAZETTE
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Visiting Forces (North Atlantic Treaty) Act— Chap. 284 R.S.C., 1952— Proclaimed in force with exception of section 3, the whole of Part III and para. (a) of section 27; and Section 3, the whole of Part III, and para. (a) of section 27—proclaimed in force.....	15 Sept., 1953	
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“ “ “ “ Sept. 2, 1954.....	21 Aug., 1954	Extra, Aug. 17, 1954.
“ “ “ “ Oct. 11, 1954.....	28 Aug., 1954	Vol. 88, p. 2901,
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		Extra, Aug. 31, 1954.
		Vol. 88, p. 488,
		Extra, Jan. 29, 1954.

ACTS OF THE PARLIAMENT OF CANADA

PASSED IN THE SESSION HELD IN THE
SECOND AND THIRD YEARS OF THE REIGN OF HER MAJESTY
QUEEN ELIZABETH II

BEING THE
FIRST SESSION OF THE TWENTY-SECOND PARLIAMENT

Begun and holden at Ottawa, on the Twelfth day of November, 1953,
and prorogued on the Twenty-sixth day of June, 1954.



HIS EXCELLENCY THE RIGHT HONOURABLE
VINCENT MASSEY
GOVERNOR GENERAL

PART I
PUBLIC GENERAL ACTS

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 1.

An Act respecting the appointment of Auditors for
National Railways.

[Assented to 16th December, 1953.]

HER Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:

1. Notwithstanding the provisions of section 13 of the *Canadian National-Canadian Pacific Act*, chapter 39 of the Revised Statutes of Canada, 1952, respecting the appointment of auditors by joint resolution of the Senate and House of Commons, George A. Touche and Company, of the cities of Toronto and Montreal, chartered accountants, are appointed as independent auditors for the year 1954, to make a continuous audit under the provisions of that section of the accounts of National Railways as defined in that Act. ^{Auditors.}

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 2.

An Act to amend the Children of War Dead (Education Assistance) Act.

[Assented to 16th December, 1953.]

HER Majesty, by and with the advice and consent of ^{1952-53, c. 27.} the Senate and House of Commons of Canada, enacts as follows:

1. Subparagraphs (ii) and (iii) of paragraph (c) of section 2 of the *Children of War Dead (Education Assistance) Act*, chapter 27 of the statutes of 1952-53, are repealed and the following substituted therefor:

- “(ii) a child on whose behalf a pension is being paid, pursuant to or by virtue of any of the enactments set out in Schedule B of this Act, other than the *Civilian War Pensions and Allowances Act*, at a rate set out for a child in Schedule B of the *Pension Act*;
- “(iii) a child on whose behalf a pension is being paid pursuant to or by virtue of the *Civilian War Pensions and Allowances Act*, at a rate set out for a child in Schedule B of the *Pension Act* or Schedule II of the *Civilian War Pensions and Allowances Act*; or
- “(iv) a child on whose behalf payment of a pension was being made under any of the enactments set out in Schedule A or B of this Act but was, either before or after the coming into force of this Act, discontinued pursuant to the provisions of the enactment under which such payment was being made.”

2. This Act shall be deemed to have come into force ^{Coming} on the 1st day of July, 1953. ^{into force.}

2-3 ELIZABETH II.

CHAP. 3.

An Act to amend the Customs Act.

[Assented to 16th December, 1953.]

HER Majesty, by and with the advice and consent of R.S., c. 58.
the Senate and House of Commons of Canada, enacts
as follows:

1. Section 35 of the *Customs Act*, chapter 58 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsection:

“(6) Notwithstanding anything in this Act, where the market price of any manufactured goods in the country of export has, as the result of the advance of the season or the marketing period, declined to levels that do not reflect in the opinion of the Minister their normal price, the value for duty shall be the amount determined and declared by the Minister to be the average price, weighted as to quantity, at which the like or similar goods were sold for consumption in the country of export during a reasonable period, not exceeding six months, immediately preceding the date of shipment of the goods to Canada.”

Value for duty where market price has declined.

2. This Act shall be deemed to have come into force on the 8th day of December, 1953, and to have applied to all goods imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day.

Coming into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 4.

An Act respecting the Department of Northern Affairs and National Resources.

[Assented to 16th December, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Department of Northern Affairs and National Resources Act*. Short title.

INTERPRETATION.

2. In this Act,

(a) "Department" means the Department of Northern Affairs and National Resources; and Definitions.
"Department".

(b) "Minister" means the Minister of Northern Affairs and National Resources. "Minister."

DEPARTMENT CONSTITUTED.

3. (1) There shall be a department of the Government of Canada called the Department of Northern Affairs and National Resources over which the Minister of Northern Affairs and National Resources appointed by commission under the Great Seal of Canada shall preside. Department constituted.

(2) The Minister has the management and direction of the Department and holds office during pleasure. Management.

4. (1) The Governor in Council may appoint an officer called the Deputy Minister of Northern Affairs and National Resources to be the deputy head of the Department and to hold office during pleasure. Deputy Minister.

Other
officers,
clerks and
employees.

(2) Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Department shall be appointed or employed in the manner authorized by law.

DUTIES, POWERS AND FUNCTIONS.

Duties,
powers and
functions.

5. The duties, powers and functions of the Minister extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to:

- (a) the Northwest Territories and the Yukon Territory;
- (b) Eskimo affairs;
- (c) the forest and water resources of Canada;
- (d) irrigation projects and water power developments;
- (e) the national parks;
- (f) historic places and monuments;
- (g) the archaeology, ethnology and fauna and flora of Canada; and
- (h) tourist information and services.

Further
duties.

6. The Minister shall

- (a) co-ordinate the activities in the Northwest Territories and the Yukon Territory of the several departments, branches and agencies of the Government of Canada,
- (b) undertake, promote or recommend measures for the further economic and political development of the Northwest Territories and the Yukon Territory, and
- (c) foster, through scientific investigation and technology, knowledge of the Canadian north and of the means of dealing with conditions related to its further development.

Minister may
formulate
plans for
conservation
and develop-
ment of
resources.

7. (1) The Minister may formulate plans for the conservation and development of the resources of Canada and for research with respect thereto, and, with the authority of the Governor in Council and in co-operation with other departments, branches and agencies of the Government of Canada, provide for carrying out such plans.

Co-operation
with
provinces and
municipali-
ties.

(2) The Minister may co-operate with the provinces and with municipalities in carrying out any conservation or development plans under subsection (1).

Consultation
with
producers,
industry, etc.

(3) In carrying out his duties and functions under this section the Minister may consult with and inaugurate conferences of representatives of producers, industry, the universities, labour and provincial and municipal authorities.

8. The Minister has the control and management of all lands belonging to Her Majesty in right of Canada except lands specially under the control and management of any other Minister, department, branch or agency of the Government of Canada. Crown lands.

9. The Minister has the control, management and administration of the National Museum of Canada, and shall collect, classify and arrange for exhibition in the Museum of such specimens as are necessary to afford complete and exact knowledge of the geology, mineralogy, palaeontology, archaeology, ethnology and fauna and flora of Canada. National Museum.

10. The Minister shall administer all Acts, orders and regulations, not by law assigned to any other Minister, relating to any of the matters mentioned in sections 5 to 9. Administration of Acts.

11. The Minister shall, on or before the 31st day of January next following the end of each fiscal year, or if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the department during that fiscal year. Report to Parliament.

TRANSITIONAL.

12. (1) Wherever in any Act of the Parliament of Canada or in any order or regulation made thereunder, or in any contract, lease or other document, the Department of Resources and Development, the Minister of Resources and Development or the Deputy Minister of Resources and Development is mentioned or referred to, there shall in each and every such case be substituted the Department of Northern Affairs and National Resources, the Minister of Northern Affairs and National Resources and the Deputy Minister of Northern Affairs and National Resources, respectively. Department, Minister and Deputy substituted.

(2) In any case where, immediately prior to the coming into force of this Act, the Department of Resources and Development, the Minister of Resources and Development or the Deputy Minister of Resources and Development was required to be substituted for any other Department, Minister or Deputy Minister, respectively, there shall in each and every such case be substituted the Department of Northern Affairs and National Resources, the Minister of Northern Affairs and National Resources and the Deputy Minister of Northern Affairs and National Resources, respectively. Idem.

Powers under
contracts, etc.

(3) Wherever under any contract, lease or other document any power, authority or function is vested in or exercisable by any officer of the Department of Resources and Development other than the Deputy Minister, the power, authority or function, after the coming into force of this Act, is vested in and shall or may be exercised by the appropriate officer of the Department of Northern Affairs and National Resources or by such other officer thereof as the Governor in Council may designate.

Idem.

(4) Wherever under any contract, lease or other document any power, authority or function is vested in or exercisable by any officer of the Department of Mines and Resources, other than the Deputy Minister of Mines and Resources, the power, authority or function, after the coming into force of this Act, is vested in and shall or may be exercised by the appropriate officer in the Department of Northern Affairs and National Resources, the Department of Mines and Technical Surveys or the Department of Citizenship and Immigration or by such other officer thereof as the Governor in Council may designate.

Repeal.

13. The *Department of Resources and Development Act*, chapter 76 of the Revised Statutes of Canada, 1952, is repealed and the provisions of this Act are substituted therefor.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 5.

An Act respecting the Use of Election Material for
By-elections and Northwest Territories Elections.

[Assented to 16th December, 1953.]

HER Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:

1. In this Act,

(a) "election material" includes instructions, forms,
record books, index books, ballot papers, poll books
and copies of Acts or regulations or portions thereof,
and any other supplies;

Definitions.

"Election
material."

(b) "former Act" means *The Canada Elections Act*,
chapter 46 of the statutes of 1938, as in force imme-
diately prior to the coming into force of the Revised
Statutes of Canada, 1952;

"Former
Act."

(c) "new Act" means the *Canada Elections Act*, chapter
23 of the Revised Statutes of Canada, 1952; and

"New Act."

(d) other words and expressions have the same meaning
as in the *Canada Elections Act*.

2. Any election material authorized or required by the
former Act for the purposes of or in relation to a by-election
or Northwest Territories elections may, in lieu of the
election material authorized or required by the new Act,
be used for the purposes of or in relation to any by-election
or Northwest Territories elections held before the first
general election next after the coming into force of this
Act; and references in election material so used to any
Act, regulation, rule, schedule or form or any part or
provision thereof shall be construed as a reference to the
corresponding Act, regulation, rule, schedule, form, part
or provision thereof in the Revised Statutes of Canada,
1952.

Use of elec-
tion material
authorized by
former Act
for by-
elections
and N.W.T.
elections.

2 - 3 ELIZABETH II.

CHAP. 6.

An Act to amend the National Parks Act.

[Assented to 16th December, 1953.]

HER Majesty, by and with the advice and consent of R.S., c. 189.
the Senate and House of Commons of Canada, enacts
as follows:

1. Subsection (1) of section 5 of the *National Parks Act*, chapter 189 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"5. (1) The administration, management and control of the Parks shall be under the direction of the Minister."

Adminis-
tration,
management
and control.

2. Subsection (2) of section 6 of the said Act is amended by deleting the word "or" at the end of paragraph (a) thereof, by adding the word "or" at the end of paragraph (b) thereof and by adding, immediately after the said paragraph (b), the following paragraph:

"(c) the right of way of telephone, telegraph or electrical transmission lines and any exchange, office, substation or other appurtenance connected therewith,"

3. Paragraphs (g), (h), (i) and (j) of section 7 of the said Act are repealed and the following substituted therefor:

"(g) the granting of leases of lots in townsites for the purposes of residence, trade, schools, churches, hospitals and places of entertainment, and of lots in other subdivisions for the purposes of residence during the period beginning on the 1st day of April and ending on the 31st day of October;

Leases.

(h) the granting of leases or licences for public lands outside townsites or other subdivisions for the purposes of schools, hospitals, churches, and the entertainment of persons visiting the Parks;

Leases
outside of
townsites and
subdivisions.

- (i) the granting of permits for
- (i) the grazing of horses and cattle,
 - (ii) the removal of sand, stone and gravel for construction purposes within a Park,
 - (iii) the cutting and removal of dead or diseased timber and such green timber as may be necessary for the protection and management of forests in a Park,
 - (iv) the use in the Parks of water for domestic or railway water supply purposes,
 - (v) the use and disposal of mineral waters for recreational and therapeutic purposes, and
 - (vi) the use of public camp grounds by persons visiting the Parks;
- (j) the establishment, operation, maintenance and administration by the Minister of public works and utility services and the use of the same within the Parks, including domestic water supply, sewage, telephone, electric power, natural gas service, streets, street-lighting, sidewalks, fire protection, garbage removal, cemeteries and any other works, improvements or services of a public character;"
- (2) The said section 7 is further amended by deleting the word "and" at the end of paragraph (s) thereof, and by adding thereto the following paragraphs:
- "(u) the survey and resurvey of public lands in a Park and the making and alteration of plans thereof, subdividing such lands for townsites, subdivisions or cemeteries and for designating surveyed areas as townsites or subdivisions and the cancellation of such designations;
- (v) the granting of plots in cemeteries;
- (w) authorizing agreements with a province or any person for the development, operation and maintenance in a Park of telephone, telegraph and electrical, other than hydro-electrical, and natural gas services for use only in the Park;
- (x) authorizing agreements with a province or any person for the development, operation and maintenance in a Park of hydro-electrical power pursuant to the *Dominion Water Power Act* for the use of such power only in the Park; and
- (y) authorizing agreements with municipalities or water districts adjacent to a Park or other persons residing on land adjacent to a Park for the supply of water from the Park for domestic purposes."

2 - 3 ELIZABETH II.

CHAP. 7.

An Act to amend the Pipe Lines Act.

[Assented to 16th December, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 211.

1. (1) Subsection (1) of section 2 of the *Pipe Lines Act*, chapter 211 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after paragraph (c) thereof, the following paragraph:

“(cc) “extra-provincial pipe line” means a pipe line for the transportation of oil or gas connecting a province with any other or others of the provinces, or extending beyond the limits of a province, and includes all branches, extensions, tanks, reservoirs, pumps, racks, loading facilities, interstation systems of communication by telephone, telegraph or radio, and property real and personal and works connected therewith;”

“Extra-provincial pipe line.”

(2) Section 2 of the said Act is further amended by adding thereto the following subsection:

“(3) For the purposes of Parts II, III and IV, the expression “company pipe line” or “line” shall be construed to include an extra-provincial pipe line, and the expression “company” shall be construed to include a person operating an extra-provincial pipe line.”

“Company pipe line” in Parts II, III and IV to include extra-provincial pipe line.

2. The said Act is further amended by adding thereto, immediately after section 10 thereof, the following section:

“10A. No person, other than a person having authority under a Special Act to construct or operate pipe lines for the transportation of oil or gas, shall construct or operate an extra-provincial pipe line, but nothing in this section shall be construed to prohibit or prevent any person from operating or improving an extra-provincial pipe line constructed before the 1st day of October, 1953.”

Operation of extra-provincial pipe line.

2-3 ELIZABETH II.

CHAP. 8.

An Act to amend the Acts respecting the Northwest Territories.

[Assented to 16th February, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., cc. 195,
331.

PART I.

1. Paragraph (h) of section 2 of the *Northwest Territories Act*, chapter 195 of the Revised Statutes of Canada, 1952, is amended by deleting the words "Resources and Development" and substituting therefor the words "Northern Affairs and National Resources".

2. (1) Subsections (1) and (2) of section 8 of the said Act are repealed and the following substituted therefor:

"8. (1) There shall be a Council of the Territories Council. consisting of nine members, four of whom shall be elected to represent such electoral districts in the territories as are named and described by the Commissioner in Council, and five of whom shall be appointed by the Governor in Council."

(2) Subsection (4) of section 8 of the said Act is repealed and the following substituted therefor:

"(4) Unless otherwise provided in this section, an elected member of the Council holds office for three years from the date of the return of the writ after his election." Tenure of
elected
members.

(3) Subsection (6) of section 8 of the said Act is repealed and the following substituted therefor:

"(6) Where an elected member resigns or dies while in office, the Governor in Council may appoint a member in his stead for the balance of his term of office." Resignation
or death of
elected
member.

May dissolve
Council after
two years.

"(7) The Governor in Council may, at any time after the expiration of two years from the date of the return of the writs of election of elected members of the Council, dissolve the Council and cause a new Council to be elected and appointed."

Coming into
force.

(4) Subsection (1) shall come into force on a day to be fixed by proclamation of the Governor in Council.

3. (1) Paragraph (b) of subsection (2) of section 12 of the said Act is repealed and the following substituted therefor:

"(b) an allowance for living expenses, not exceeding twenty-five dollars for each day he is in attendance at a session of the Council."

(2) The said section 12 is further amended by adding thereto the following subsections:

When
member
deemed in
attendance
for purposes
of ascertaining
indemnity.

"(4) For the purposes of subsection (1), each day on which an elected member is in the place where a session of the Council is held but is because of illness unable to be in attendance at the session shall be deemed to be a day on which he is in attendance at the session.

When
member
deemed in
attendance
for purposes
of ascertaining
living
allowance.

"(5) For the purpose of ascertaining a member's allowance for living expenses,

(a) each day during a session on which there has been no sitting of the Council in consequence of its having adjourned over that day, and

(b) each day on which the member is in the place where the session is held but is because of illness unable to be in attendance at the session,

shall be deemed to be a day on which he is in attendance at the session."

4. (1) The said Act is further amended by adding thereto immediately after section 16 thereof the following section:

Agreements
with
Government
of Canada.

"**16A.** The Commissioner in Council may make ordinances authorizing the Commissioner to enter into an agreement with the Government of Canada under and for the purposes of any Act of the Parliament of Canada that authorizes the Government of Canada to enter into agreements with the provinces, but no such agreement shall be entered into by the Commissioner without the approval of the Governor in Council."

(2) Subsection (1) shall be deemed to have come into force on the 1st day of December, 1953.

5. Section 17 of the said Act is repealed and the following substituted therefor:

Ordinances
to be laid
before
Parliament

"**17.** (1) A copy of every ordinance made by the Commissioner in Council shall be transmitted to the Governor

in Council within thirty days after the passing thereof and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter.

(2) Any ordinance or any provision thereof may be disallowed by the Governor in Council at any time within two years after its passage.” Disallowance.

6. Part IV of the said Act is repealed and the following substituted therefor:

“PART IV.

Reindeer.

113. (1) The Governor in Council may make regulations, Regulations respecting reindeer.

(a) authorizing the Minister to enter into agreements with Eskimos or Indians, or persons with Eskimo or Indian blood living the life of an Eskimo or Indian, for the herding of reindeer that are the property of Her Majesty, such agreements, if deemed advisable by the Minister, to include provisions for the transfer of such portions of the herds as may be therein specified to the herders upon satisfactory completion of the agreements;

(b) for the control, management, administration and protection of reindeer in the Territories, whether they are the property of Her Majesty or otherwise;

(c) for the sale of reindeer and the slaughter or other disposal of surplus reindeer and the carcasses thereof; and

(d) controlling or prohibiting the transfer or shipment by any means of reindeer or their carcasses or parts thereof, whether they are the property of Her Majesty or otherwise, from any place in the Territories to any other place within or without the Territories.

(2) Where a peace officer or any person who is a game officer under any ordinance has reasonable grounds for believing that any reindeer or part thereof has been taken, killed, transferred, shipped or had in possession in violation of the regulations or that any vessel, vehicle, aeroplane, firearm, trap or other article or thing has been used in violation of the regulations, he may, in the Territories, without a warrant, effect seizure thereof. Seizure.

(3) Every seizure made under subsection (2) shall be reported as soon as practicable to a justice of the peace who may, upon satisfying himself that the reindeer or part thereof or the vessel, vehicle, aeroplane, firearm, trap or other article or thing has been taken, dealt with or used in violation of the regulations, declare it to be forfeited to Her Majesty and, upon such declaration, it is forfeited. Forfeiture.

Application
of the *Game
Export Act*.

(4) The *Game Export Act* applies to reindeer or the carcasses or part thereof and for that purpose, "game" under that Act shall be deemed to include such reindeer, carcasses or part thereof, "killed" to include the taking or capture of or dealing in live reindeer and "export permit" to include a permit or licence issued under the regulations made pursuant to this section.

Lands.

Power to
hold lands

114. The following properties, namely,

(a) lands acquired before or after the coming into force of this Act with territorial funds;

(b) public lands, the administration of which has before or after the coming into force of this Act been transferred by the Governor in Council to the Territories; and

(c) all roads, streets, lanes and trails on public lands; are and remain vested in Her Majesty in right of Canada, but the right to the beneficial use or to the proceeds thereof is hereby appropriated to the Territories and is subject to the control of the Commissioner in Council; and any such lands, roads, streets, lanes or trails may be held by and in the name of the Commissioner for the beneficial use of the Territories.

Offence and Penalty.

Offence and
penalty.

115. Every person who violates a provision of this Act or the regulations for which no other penalty is provided in this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment."

PART II.

7. Paragraph (f) of section 2 of the *Northwest Territories Act*, chapter 331 of the Revised Statutes of Canada, 1952, is amended by deleting the words "Resources and Development" and substituting therefor the words "Northern Affairs and National Resources".

Council.

8. (1) Subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

"**8.** (1) There shall be a Council of the Territories consisting of nine members, four of whom shall be elected to represent such electoral districts in the Territories as are named and described by the Commissioner in Council, and five of whom shall be appointed by the Governor in Council."

(2) Subsection (5) of section 8 of the said Act is repealed and the following substituted therefor:

“(5) Where an elected member resigns or dies while in office, the Governor in Council may appoint a member in his stead for the balance of his term of office.”

Resignation
or death of
elected
member.

9. (1) Paragraph (b) of subsection (2) of section 12 of the said Act is repealed and the following substituted therefor:

“(b) an allowance for living expenses not exceeding twenty-five dollars for each day he is in attendance at a session of the Council.”

(2) The said section 12 is further amended by adding thereto the following subsections:

“(4) For the purposes of subsection (1), each day on which an elected member is in the place where a session of the Council is held but is because of illness unable to be in attendance at the session shall be deemed to be a day on which he is in attendance at the session.

When
member
deemed in
attendance
for purposes of
ascertaining
indemnity.

“(5) For the purpose of ascertaining a member's allowance for living expenses,

(a) each day during a session on which there has been no sitting of the Council in consequence of its having adjourned over that day, and

(b) each day on which a member is in the place where the session is held but is because of illness unable to be in attendance at the session,

shall be deemed to be a day on which he is in attendance at the session.”

When
member
deemed in
attendance
for purposes of
ascertaining
living
allowance.

10. The said Act is further amended by adding thereto immediately after section 14 thereof the following section:

“**14A.** The Commissioner in Council may make ordinances authorizing the Commissioner to enter into an agreement with the Government of Canada under and for the purposes of any Act of the Parliament of Canada that authorizes the Government of Canada to enter into agreements with the provinces, but no such agreement shall be entered into by the Commissioner without the approval of the Governor in Council.”

Agreements
with
Government
of Canada.

11. The said Act is further amended by adding thereto, immediately after section 37 thereof, the following heading and section:

“Oaths of Office.

37A. Every police magistrate and justice of the peace appointed under this Act and every person appointed under section 37 shall, before assuming the duties of his office,

Oaths of
Office.

take and subscribe to such oaths of office and allegiance in such manner as the Governor in Council may prescribe."

12. Section 40 of the said Act and the heading thereto is repealed and the following substituted therefor:

"Lands.

Power to
hold lands.

40. The following properties, namely,
 (a) lands acquired before or after the coming into force of this Act with territorial funds;
 (b) public lands, the administration of which has before or after the coming into force of this Act been transferred by the Governor in Council to the Territories; and
 (c) all roads, streets, lanes and trails on public lands, are and remain vested in Her Majesty in right of Canada, but the right to the beneficial use or to the proceeds thereof is hereby appropriated to the Territories and is subject to the control of the Commissioner in Council; and any such lands, roads, streets, lanes or trails may be held by and in the name of the Commissioner for the beneficial use of the Territories."

13. Section 48 of the said Act is repealed and the following substituted therefor:

Coming into
force.

48. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 9.

An Act respecting the Boundary between the
Provinces of Ontario and Manitoba.

[Assented to 16th February, 1954.]

WHEREAS the interprovincial boundary between the Preamble.
Provinces of Ontario and Manitoba has been surveyed
and marked on the ground by commissioners appointed for
the purpose in accordance with the descriptions in the
Schedule to the Act of the Parliament of the United Kingdom
known as the *Canada (Ontario Boundary) Act, 1889*, and
in the Acts of the Parliament of Canada known as *The Mani-
toba Boundaries Extension Act, 1912*, chapter 32 of the
statutes of 1912, *The Ontario Boundaries Extension Act*,
chapter 40 of the statutes of 1912, and *An Act to amend The
Manitoba Boundaries Extension Act, 1912*, and *The Ontario
Boundaries Extension Act*, chapter 16 of the statutes of 1950,
which boundary line as so surveyed and marked is described
in the Schedule;

AND WHEREAS, the legislatures of the Provinces of Ontario
and Manitoba having consented thereto, it is desirable that
the boundary so surveyed and marked on the ground be
declared the boundary between the Provinces of Ontario
and Manitoba;

NOW THEREFORE, Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows:

1. This Act may be cited as the *Ontario-Manitoba Boun- Short
dary Act, 1953.* title.

2. The boundary line surveyed and marked on the ground Boundary
by commissioners appointed in 1897, 1921, 1929 and 1931 to declared.
delimit the boundary between the Provinces of Ontario and
Manitoba and described in the Schedule is hereby declared
to be the boundary line between the Provinces of Ontario
and Manitoba, and in so far as the boundary line so des-
cribed increases, diminishes or otherwise alters the limits
of those Provinces, their limits are increased, diminished
or otherwise altered accordingly.

3. This Act shall come into force on a day to be fixed Coming
by proclamation of the Governor in Council. into
force.

SCHEDULE.

Description by Metes and Bounds of the Boundary Line between the Province of Ontario and the Province of Manitoba.

Commencing at the most northerly point on the International Boundary between Canada and the United States at the northwest angle of the Lake of the Woods, as established by Dr. Tiarks and David Thompson under the direction of the commissioners appointed under Article VII of the Treaty of Peace and Amity between His Britannic Majesty and the United States of America signed at Ghent the 24th December, 1814, and confirmed by Article II of the Ashburton Treaty of 1842, said most northerly point being styled the Initial Point on the official plan of survey of the boundary between the Provinces of Ontario and Manitoba from Lake of the Woods to Winnipeg River, which said Initial Point may be more particularly known and described as being seventy-two chains and fifty links, more or less, due north of the most northerly point on the International Boundary at the northwest angle of the Lake of the Woods as determined by Article I of the Treaty between His Britannic Majesty in respect of the Dominion of Canada and the United States for the Further Demarcation of the Boundary between Canada and the United States, signed at Washington on February 24th, 1925, which said Initial Point is also one hundred and fifty chains and one link, more or less, due north from an iron post extending four feet above ground and planted about five chains northerly from the north bank of the Northwest Angle River, bearing the following inscriptions:—"October 20th, 1818" on the south side, and on the north side the words "convention of London" said post having been planted by the International Boundary Commissioners in 1872 to mark the boundary between the Dominion of Canada and the United States of America; which said Initial Point is also one hundred and ten chains and sixty-two links, more or less, due north from an iron post extending four feet above the ground bearing similar inscriptions and planted by the same authority as the above mentioned post.

Thence from said Initial Point due north astronomically along the boundary between the Provinces of Ontario and Manitoba, as marked on the ground by the commissioners appointed for the purpose in 1897 and 1921, a distance of two hundred and thirty-eight miles, thirteen chains and twenty-eight links, more or less, to a point at the centre of the road allowance on the north side of the twelfth Base Line of the system of Dominion land surveys, said point being thirty chains and fifty-seven links due north from a concrete monument on said boundary, which said monument is about three feet high above the ground and bearing the following inscriptions: on the east side, "No. 218 ONTARIO", and on the west side, "No. 218 MANITOBA", the said point being marked by a concrete monument about three feet high above the ground and bearing the following inscriptions: on the southeast side, "No. 220 ONTARIO", and on the northwest side, "No. 220

MANITOBA", said boundary from the Initial Point to the Winnipeg River being marked at intervals of approximately one mile in length by iron posts and mounds, each post bearing the number corresponding to the number of miles which it is distant from said Initial Point on the south side, the letters "MAN" for Manitoba on the west side and the letters "ONT" for Ontario on the east side, and from the Winnipeg River northerly to the point marked by the monument bearing the inscriptions, on the southeast side "No. 220 ONTARIO", and on the northwest side "No. 220 MANITOBA", the said boundary being marked at intervals of approximately six miles in length by concrete monuments bearing brass plates on which are the following inscriptions: on the east side, the number of the monument and the word "ONTARIO" and on the west side the number of the monument and the word "MANITOBA", said boundary from the Winnipeg River to the point marked by the monument bearing the inscriptions, on the southeast side, "No. 220 ONTARIO", and on the northwestern side, "No. 220 MANITOBA" being also marked at intervals of approximately one mile in length with special posts and mounds, the posts bearing the inscriptions "Interprovincial Boundary" "Ontario-Manitoba", each post having also marked on it the number of the monument, the number of the bench mark and the year of the survey.

That part of the said boundary which lies between the Lake of the Woods and Winnipeg River is shown on the official plan of the survey of said boundary dated 30th April, 1898, and signed by Elihu Stewart, D.L.S., and B. J. Saunders, O.L.S., the commissioners appointed in 1897, and that part of said boundary lying between the Winnipeg River and the twelfth Base Line aforesaid being shown on a series of sixteen plans of survey published in atlas form in 1925 and signed by the Surveyor-General of Dominion Lands, and the Director of Surveys for the Province of Ontario, as the commissioners appointed in 1921, all of which plans are of record in the Department of Mines and Technical Surveys at Ottawa.

Thence in a right line on an initial azimuth of 44° 25' 50" along the boundary between the Provinces of Ontario and Manitoba, as marked on the ground by the commissioners appointed in 1929, a distance of eighty-seven miles, fifty-five chains and thirty-two and eight-tenths links more or less to the most eastern point of Island Lake, the said point being fixed on the ground in the year 1930 and being marked by a concrete monument bearing the following inscriptions: on the southeast side, "No. 295 ONTARIO", and on the northwest side, "No. 295 MANITOBA" and situated in about North Latitude 53° 44' 19" .42 and in about West Longitude 93° 39' 14" .91; said boundary from the point marked by the monument bearing the inscription on the southeast side "No. 220 ONTARIO", and on the northwest side "No. 220 MANITOBA" to the most eastern point of Island Lake being marked at intervals of approximately one mile in length by special posts and mounds, each post having marked on it the number of the post and the year of survey, and said portion of the boundary being also marked at intervals of approximately six miles in length by concrete monuments bearing brass plates on which

are the following inscriptions: on the southeast side, the number of the monument and the word "ONTARIO", and on the northwest side, the number of the monument and the word "MANITOBA"; thence in a right line on an initial azimuth of $38^{\circ} 40' 34''$ along the said boundary a distance of two hundred and eighty-two miles, thirty-three chains and fifty-seven and one-tenth links more or less to the Terminal Point marked by a concrete monument about four feet high above the ground and bearing the following inscriptions: on the southeast side, "No. 457A ONTARIO", and on the northwest side, "No. 457A MANITOBA", the said point being twenty-one and four-tenths feet due west astronomic from the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay, as the latter point was fixed by the Geodetic Survey of Canada in the year 1930; said boundary from the most eastern point of Island Lake to the said Terminal Point being marked at intervals of from one mile to three miles in length by special posts of the same type as the special posts above described as marking the boundary from the point marked by the monument bearing the inscriptions, on the southeast side, "No. 220 ONTARIO", and on the northwest side, "No. 220 MANITOBA", to the most eastern point of Island Lake, and said portion of the boundary being also marked at intervals of from five miles to twenty-five miles in length by concrete monuments bearing brass plates on which are the following inscriptions: on the southeast side, the number of the monument and the word "ONTARIO", and on the northwest side, the number of the monument and the word "MANITOBA"; and as said boundary is shown on three plans of the Ontario-Manitoba Boundary, namely (1) from monument No. 220 on the twelfth Base Line to monument No. 295 at east end of Island Lake; (2) from monument No. 295 at east end of Island Lake to monument No. 356; and (3) from monument No. 356 to monument No. 457A at Hudson Bay; duly approved by the three Commissioners appointed in 1931 on the 26th day of January, 1953, and of record in the Department of Mines and Technical Surveys at Ottawa.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 10.

An Act to amend the Senate and House of Commons Act.

[Assented to 16th February, 1954.]

HER Majesty, by and with the advice and consent of the R.S., c. 249.
Senate and House of Commons of Canada, enacts as
follows:

1. (1) Section 32 of the *Senate and House of Commons Act*, chapter 249 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

- "32.** The following salaries shall be paid, respectively: Salaries of
Speakers and
Deputy
Speaker.
- (a) to the Speaker of the Senate, the sum of nine thousand dollars per annum;
- (b) to the Speaker of the House of Commons, the sum of nine thousand dollars per annum; and
- (c) to the Deputy Speaker of the House of Commons, the sum of six thousand dollars per annum."

(2) This section shall be deemed to have come into force Coming into
force.
on the 1st day of April, 1954.

2. (1) Sections 33, 34 and 35 of the said Act are repealed and the following substituted therefor:

"33. (1) For the sessions of each Parliament there shall be paid to every member of the Senate and House of Commons a sessional allowance at the rate of eight thousand dollars per annum. Sessional
allowance.

(2) For the purposes of this section, a person shall be deemed to have become a member of the Senate on the day he is summoned to the Senate, and a person shall be deemed to have become a member of the House of Commons on the day last fixed for the election of a member of the House of Commons for the electoral district represented by him. Commence-
ment.

Dissolution of
House of
Commons.

“34. For the purposes of the allowances payable under section 33 and section 44, a person who, immediately before a dissolution of the House of Commons, was a member thereof shall be deemed to continue to be a member of the House of Commons until the date of the next following general election.

How
allowance
paid.

“35. The sessional allowances payable under section 33 shall be paid in monthly instalments on the last day of each month.”

Coming into
force.

(2) This section shall be deemed to have come into force on the 12th day of November, 1953, but there shall be deducted from the amounts payable to a member of the Senate or the House of Commons under section 33 of the *Senate and House of Commons Act*, as amended by this Act, any sessional allowance paid under the *Senate and House of Commons Act* to such member subsequent to the 12th day of November, 1953, and prior to the day on which this Act was assented to.

3. Subsection (1) of section 36 of the said Act is repealed and the following substituted therefor:

Deductions
for non-
attendance.

“36. (1) A deduction at the rate of forty dollars per day shall be made from such sessional allowance for every day beyond twenty-one on which the member does not attend a sitting of the House of which he is a member, if the House sits on such day; but in the case of a member elected or appointed after the commencement of a session, no day of a session previous to such election or appointment shall be reckoned as one of such twenty-one days.”

Repeal.

4. Sections 39 and 40 of the said Act are repealed.

5. (1) Sections 42 and 43 of the said Act are repealed and the following substituted therefor:

Allowance to
Leader of
Opposition.

“42. To the member occupying the recognized position of Leader of the Opposition in the House of Commons there shall be paid, in addition to his sessional allowance, an annual allowance of fifteen thousand dollars.

Additional
annual
allowance to
the Leader of
the Govern-
ment and the
Leader of the
Opposition in
the Senate.

“43. To the member of the Senate occupying the recognized position of Leader of the Government in the Senate there shall be paid in addition to his sessional allowance an annual allowance of ten thousand dollars, and to the member of the Senate occupying the recognized position of Leader of the Opposition in the Senate there shall be paid in addition to his sessional allowance an annual allowance of

six thousand dollars; but if the Leader of the Government is in receipt of a salary under the *Salaries Act*, the annual allowance shall not be paid."

(2) This section shall be deemed to have come into force Coming into
force.
on the 1st day of April, 1954.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 11.

An Act to approve the Financial Agreement between Canada and the United Kingdom, signed on the thirteenth day of August, 1953.

[Assented to 16th February, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as the *United Kingdom Financial Agreement Act, 1953*. Short title.

2. The Agreement between the Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland set out in the Schedule is approved. Agreement approved.

SCHEDULE.

FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT
OF CANADA AND THE GOVERNMENT OF THE
UNITED KINGDOM.

The Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland agree to the following terms and conditions respecting the repayment of the outstanding balance of the loan made to the Government of the United Kingdom under *The War Appropriation (United Kingdom Financing) Act, 1942*, which shall supersede all previous arrangements with respect to the loan:

- (a) the outstanding balance of the loan as at the date of this Agreement will be reduced to \$150,000,000 by the repayment of a lump sum forthwith;
- (b) the remainder of the said balance will be repaid by quarterly instalments of \$7,500,000 payable on March 1st, June 1st, September 1st, and December 1st annually, the first instalment to be paid on March 1st, 1954, and the final instalment on December 1st, 1958;
- (c) the loan will continue to be free of interest until final redemption on December 1st, 1958.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective governments, have signed this Agreement.

SIGNED in duplicate at Ottawa, this thirteenth day of August, 1953.

FOR THE GOVERNMENT OF CANADA:

(Sgd.) D. C. Abbott,
Minister of Finance.

FOR THE GOVERNMENT OF THE UNITED KINGDOM:

(Sgd.) J. Thomson,
*Deputy, for United Kingdom
High Commissioner.*

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 12.

An Act to amend the Animal Contagious Diseases Act.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of R.S., c. 9.
the Senate and House of Commons of Canada, enacts
as follows:

1. Subsection (2) of section 12 of the *Animal Contagious Diseases Act*, chapter 9 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"(2) The compensation ordered to be paid under this section for an animal slaughtered under the provisions of this Act shall be the market value that the animal, in the opinion of the Minister or some person appointed by him, would have had immediately before slaughter if it had not been subject to slaughter under the provisions of this Act, except that the compensation shall not exceed

Amount
of compen-
sation.

(a) in the case of horses, two hundred dollars for pure-bred animals and one hundred dollars for grade animals; and

(b) in the case of cattle, one hundred dollars for pure-bred animals and forty dollars for grade animals, and if the sale of the carcass is unlawful an additional amount for pure-bred and grade animals equal to the value the carcass would have if the sale were lawful, such value to be determined by the Minister or by some person appointed by him for that purpose."

2. This Act shall be deemed to have come into force on the 15th day of September, 1953, and subsection (2) of section 12 of the *Animal Contagious Diseases Act*, as enacted by this Act, shall be deemed to have been substituted for subsection (2) of section 14 of the *Animal Contagious Diseases Act*, chapter 6 of the Revised Statutes of Canada, 1927, as of the 1st day of May, 1953.

Operation.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 13.

An Act respecting the Canadian Forces.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Canadian Forces Act*, Short title. 1954.

PART I.

DEFENCE SERVICES PENSION ACT.

2. Section 44A of the *Defence Services Pension Act*, R.S., c. 310. chapter 63 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"44A. For the purpose of computing a pension under "Service." any of Parts I to III with respect to an officer, "service" in any such Part, in addition to any periods specified in Parts I to III, includes any continuous period of full-time service of six months or more in the naval, army or air forces of His Majesty raised in Canada other than the forces as defined in such Part, under such circumstances and to such extent as the Governor in Council may by regulation prescribe, but such service may not be counted as service under any other provision of any of such Parts, except to the extent prescribed by paragraph (e) of section 7, subparagraph (ii) of paragraph (e) of section 36 or subparagraph (iii) of paragraph (d) of section 40, for the purpose of determining eligibility for pension."

3. The said Act is further amended by adding thereto, immediately after section 44A thereof, the following section:

"44B. (1) The Governor in Council may make regu- Regulations. lations

(a) prescribing the extent to which and the manner in which any person in receipt of a pension under any of Parts I to III who, after his retirement from the forces, is appointed to a position in the public service of Canada or is appointed to or enlists in the naval, army or air forces of Canada, may count that additional service for the purpose of computing his pension under such Part; and

(b) providing for payment out of the Consolidated Revenue Fund, upon the death of any person in respect of whom any pension or compassionate allowance becomes payable under any of Parts I to III and upon application to the Minister by or on behalf of any successor thereunder to whom any such pension or allowance becomes payable, of the whole or any part of such portion of the succession duties payable by that successor as is determined in accordance with the said regulations to be attributable to that pension or allowance, and prescribing the amounts by which and the circumstances under which any such pension or allowance shall be reduced.

Part V
not to apply.

(2) Notwithstanding anything in Part V of this Act, that Part does not apply in respect of any service that, by virtue of any regulation made pursuant to paragraph (a) of subsection (1), any person described in that paragraph elects to count for the purpose of computing his pension under any of Parts I to III."

4. Subparagraph (vi) of paragraph (i) of subsection (1) of section 45 of the said Act is repealed and the following substituted therefor:

"(vi) any continuous period of full-time service of six months or more in the naval, army or air forces of His Majesty raised in Canada other than the forces, under such circumstances and to such extent as the Governor in Council may by regulation prescribe, but such service may not be counted as service under any other subparagraph of this paragraph."

5. (1) Section 50 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Widow's
pension to
be resumed.

"(1a) Subject to regulations made by the Governor in Council where payment of any widow's pension under this Part has been discontinued by reason of her remarriage and she again becomes a widow, payment of that pension may, to the extent that she is otherwise entitled under this Part to receive the same, be resumed."

(2) Where payment of any pension to which a widow was entitled under Part V of the *Defence Services Pension Act*, chapter 63 of the Revised Statutes of Canada, 1952 or Part V of *The Defence Services Pension Act*, chapter 133 of the Revised Statutes of Canada, 1927 was discontinued by reason of the remarriage of the widow and, prior to the coming into force of this Act, she again became a widow, the said pension shall be deemed to have become payable to her under such Part at the time she again became a widow, to the extent that she was, at that time, otherwise entitled under such Part to receive the same. Effective date.

6. Section 61 of the *Defence Services Pension Act*, chapter 63 of the Revised Statutes of Canada, 1952, is amended by striking out the word "and" at the end of paragraph (i) thereof and by adding immediately thereafter the following paragraph:

"(ia) providing for payment out of the Permanent Services Pension Account in the Consolidated Revenue Fund, upon the death of a contributor and upon application to the Minister by or on behalf of any successor thereunder to whom a pension becomes payable under this Part, of the whole or any part of such portion of the succession duties payable by that successor as is determined in accordance with the said regulations to be attributable to that pension, and prescribing the amounts by which and the manner in which any such pension shall be reduced; and"

7. Section 68 of the said Act is repealed and the following substituted therefor:

"68. (1) Any debit balance in the pay account of a former member of the forces may be recovered from any pension or gratuity to which he is entitled under this Part or from any amount that becomes payable under this Part to his service estate, whether such debit balance existed in his pay account on the date of his retirement or is ascertained subsequently thereto. Recovery of debit balance in pay account of former member

(2) Recovery of a debit balance pursuant to this section shall be effected in such manner and to such extent as the Governor in Council by regulation prescribes, but, in the case of a former member of the forces who is entitled to a pension or gratuity under this Part, recovery shall not be effected unless such former member is given notice of the existence of the debit balance and the amount thereof." Idem

PART II.

NATIONAL DEFENCE ACT.

8. (1) Subsection (1) of section 11 of the *National Defence Act*, chapter 184 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Delivery of
materiel
for sale.

“**11.** (1) The Governor in Council may authorize the Minister to deliver to any department or agency of the Government of Canada any materiel that has not been declared surplus and is not immediately required for the use of the Canadian Forces or the Defence Research Board or for any other purpose under this Act, for sale to such countries or international welfare organizations on such terms as the Governor in Council may determine.”

(2) Section 11 of the said Act is further amended by adding thereto the following subsection:

Refund
of taxes

“(5) Where any taxes or duties imposed under the laws of Canada have been paid, out of any appropriation for the Department, on or in respect of any materiel sold under this section, and all or part of such taxes or duties was not recovered from the purchaser, there shall be credited to the special account established under this section an amount equal to the unrecovered taxes or duties as determined by the Minister of National Revenue.”

9. Subsection (2) of section 40 of the said Act is amended by striking out the word “and” at the end of paragraph (c) thereof, adding the word “and” to the end of paragraph (d) thereof, and adding thereto the following paragraph:

“(e) in the case of an officer or man dying out of Canada, all other personal property belonging to the deceased situate out of Canada if in the opinion of the person authorized to administer service estates the total value of such other property does not exceed ten thousand dollars.”

10. Section 56 of the said Act is amended by adding thereto, immediately before subsection (8) thereof, after the heading *Persons Accompanying Canadian Forces*, the following subsections:

Definition
of “Persons
Accompany-
ing Canadian
Forces.”

“(7a) For the purposes of this section, but subject to any limitations prescribed by the Governor in Council, a person accompanies a unit or other element of the Canadian Forces that is on service or active service if such person

(a) participates with that unit or other element in the carrying out of any of its movements, manoeuvres, duties in aid of the civil power, duties in a disaster, or warlike operations,

(b) is accommodated or provided with rations at his own expense or otherwise by that unit or other element in any country or at any place designated by the Governor in Council,

(c) is a dependant out of Canada of an officer or man serving beyond Canada with that unit or other element, or

(d) is embarked on a vessel or aircraft of that unit or other element.

(7b) Notwithstanding anything in this Act, where a person mentioned in subsection (7a) is to be tried by a court martial

Trial of persons accompanying Canadian Forces.

(a) he shall, if he comes within paragraph (c) of that subsection, and

(b) he may, if he comes within paragraph (a), (b) or (d) of that subsection,

be tried by a General Court Martial consisting of a person, designated by the Minister, who is or has been a judge of a superior court in Canada, or is a barrister or advocate of at least ten years' standing at the bar of any province of Canada, and, subject to such modifications and additions as the Governor in Council may prescribe, the provisions of this Act and the regulations relating to trials of accused persons by General Courts Martial and to their conviction, sentence and punishment are applicable to trials by a General Court Martial established under this subsection, and to the conviction, sentence and punishment of persons so tried."

11. Section 112 of the said Act is repealed and the following substituted therefor:

"112. Every person who knowingly

(a) makes a false answer to any question set forth in any document required to be completed in relation to his enrolment, or

False answers or false information.

(b) furnishes any false information or false document in relation to his enrolment,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment."

12. The said Act is amended by adding thereto, immediately after section 117 thereof, the following section:

"117A. Every person who conspires with any other person, whether or not such other person is subject to the Code of Service Discipline, to commit an offence under the Code of Service Discipline is guilty of an offence and is liable to imprisonment for a term not exceeding seven years or to less punishment."

Conspiracy.

13. Subsection (3) of section 118 of the said Act is repealed and the following substituted therefor:

General.

“(3) An act or omission constituting an offence under section 63, or a contravention by any person of

(a) any of the provisions of this Act;

(b) any regulations, orders or instructions published for the general information and guidance of that Service of the Canadian Forces to which that person belongs, or to which he is attached or seconded; or

(c) any general, garrison, unit, station, standing, local or other orders,

is an act, conduct, disorder or neglect to the prejudice of good order and discipline.”

14. Section 119A of the said Act is amended by adding thereto the following subsection:

1952-53,
c. 24, s. 5 (1).

Contraven-
tion of
customs laws.

“(5) Where an act or omission constituting an offence under subsection (1) contravenes the customs laws applicable in the place where the offence was committed, any officer appointed under the regulations for the purposes of this section may seize and detain any goods by means of or in relation to which he reasonably believes the offence was committed, and if any person is convicted of the offence under subsection (1) such goods may, in accordance with regulations made by the Governor in Council, be forfeited to Her Majesty and may be disposed of as provided by those regulations.”

15. The said Act is further amended by adding thereto, immediately after section 183A thereof, the following heading and section:

“RESTITUTION OF PROPERTY.

Restitution
of property
in case of
conviction

183B. (1) Where a person is convicted of an offence under the Code of Service Discipline, the service tribunal shall order that any property obtained by the commission of the offence shall be restored to the person apparently entitled to it, if at the time of the trial the property is before the service tribunal or has been detained, so that it can be immediately restored to that person under the order.

Where no
conviction,
but offence
committed.

(2) Where an accused is tried for an offence but is not convicted, and it appears to the service tribunal that an offence has been committed, the service tribunal may order that any property obtained by the commission of the offence shall be restored to the person apparently entitled to it, if at the time of the trial the property is before the service tribunal or has been detained, so that it can be immediately restored to that person under the order.

(3) An order shall not be made under this section in respect of Exceptions.

(a) property to which an innocent purchaser for value has acquired lawful title,

(b) a valuable security that has been paid or discharged in good faith by a person who was liable to pay or discharge it, or

(c) a negotiable instrument that has, in good faith, been taken or received by transfer or delivery for valuable consideration by a person who had no notice and no reasonable cause to suspect that an offence had been committed.

(4) An order made under this section shall be executed by the persons by whom the process of the service tribunal is ordinarily executed.” Execution of order for restitution.

16. The said Act is further amended by adding thereto, immediately after section 217 thereof, the following section and heading:

“DEPENDANTS.

217A. The dependants, as defined by regulation, of members of the Canadian Forces on service or active service in any place out of Canada who are alleged to have committed an offence under the laws applicable in such place may be arrested by such officers and men as are appointed under section 129 and may be handed over to the appropriate authorities of such place.” Arrest of dependants

PART III.

VISITING FORCES (NORTH ATLANTIC TREATY) ACT.

17. Section 16 of the *Visiting Forces (North Atlantic Treaty) Act*, chapter 284 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“**16.** For the purposes of subsection (1) of section 3 of the *Crown Liability Act* Claims against associated states.

(a) a tort committed by a member of a visiting force while acting within the scope of his duties or employment shall be deemed to have been committed by a servant of the Crown while acting within the scope of his duties or employment;

(b) property owned, occupied, possessed or controlled by a visiting force shall be deemed to be owned, occupied, possessed or controlled by the Crown; and

(c) a service motor vehicle of a visiting force shall be deemed to be owned by the Crown.”

PART IV.

SENATE AND HOUSE OF COMMONS ACT.

18. Section 37 of the *Senate and House of Commons Act*, chapter 249 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Days on
reserve force
service not
computed.

"37. In the calculation of any deduction from any member's sessional allowance on account of absence, days that were spent by such member on service as an officer or man of the reserve forces while on any training or other duty authorized by regulations or orders made under the *National Defence Act*, shall not be computed.

PART V.

THE CANADIAN FORCES ACT, 1950.

19. (1) Subsection (1) of section 6 of *The Canadian Forces Act, 1950*, chapter 2 of the statutes of 1950-51, is repealed and the following substituted therefor:

Special
provisions
respecting
pensions.

"6. (1) Subject to subsection (2), the Governor in Council may direct that *The Defence Services Pension Act* or any Part thereof shall not, except under such circumstances and in such manner as the Governor in Council prescribes, apply to any officer or man, or class of officers or men, who, subsequently to the 5th day of July, 1950, are appointed, transferred or posted to, or enlisted or enrolled in or serving with, any force designated by the Governor in Council as a special force for the purposes of this section."

Coming
into force

(2) This section shall be deemed to have come into force on the day on which *The Canadian Forces Act, 1950* came into force, and any direction made by the Governor in Council pursuant to subsection (1) of section 6 of that Act shall be deemed to have been made pursuant to subsection (1) of section 6 of that Act as enacted by this section.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 14.

An Act to amend the Explosives Act.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of R.S., c. 102.
the Senate and House of Commons of Canada, enacts
as follows:

1. Paragraph (d) of section 2 of the *Explosives Act*, chapter 102 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“(d) “factory” means any building, structure, premises “Factory.”
or land in or upon which the manufacture or any part
of the process of manufacture of an explosive is carried
on, the site on which such building, structure or
premises are situated, and all other buildings, structures
or premises within such site;”

2. Section 3 of the said Act is repealed and the following substituted therefor:

“3. (1) Except as provided by the regulations, this Act Application of
Act.
does not apply to or in respect of any explosives under the
direction or control of the Minister of National Defence.”

(2) Subject to subsection (1), Her Majesty in right of Idem.
Canada and each province is bound by this Act.”

3. (1) Paragraph (b) of section 4 of the said Act is repealed and the following substituted therefor:

“(b) prescribing the form and duration of licences, permits and certificates issued under this Act, the terms and conditions upon which such licences, permits and certificates shall be issued, the fees to be paid therefor, and providing for the cancellation and suspension of such licences, permits and certificates;”

(2) Paragraph (l) of section 4 of the said Act is repealed and the following substituted therefor:

“(l) limiting the amount of authorized explosives that may be kept in places other than licensed factories and licensed magazines, and prescribing the manner in and conditions upon which it shall be handled and stored in such places;”

(3) Section 4 of the said Act is further amended by striking out the word “and” after paragraph (m) thereof, by inserting the word “and” at the end of paragraph (n) thereof and by adding thereto the following paragraph:

“(o) prescribing the circumstances in which explosives shall for the purposes of this Act be deemed to be or not to be under the direction or control of the Minister of National Defence.”

4. Subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

Authorized
explosives
only.

“5. (1) Except as provided by the regulations, no person shall have in his possession, import, store, use, make or manufacture, whether wholly or in part, sell or offer for sale, any explosive that is not an authorized explosive.”

5. Subsection (2) of section 9 of the said Act is repealed and the following substituted therefor:

No import
without
permit.

“(2) Except as provided by the regulations, no person shall import any explosive into Canada without a permit issued under this section.”

6. Section 10 of the said Act is repealed.

7. Paragraph (a) of subsection (2) of section 11 of the said Act is repealed and the following substituted therefor:

“(a) a plan, satisfactory to the Minister, drawn to scale, of the proposed factory, magazine or premises and of the site on which such factory, magazine or premises is situated and of all buildings, structures or premises thereon or proposed to be erected thereon and also of the lands adjacent thereto and all buildings, structures or premises thereon with a statement of the uses to which such site, buildings, structures or premises are or are to be put and the exact distances between the several buildings, structures or premises marked thereon;”

8. Sections 15 and 16 of the said Act are repealed.

9. (1) Paragraph (b) of subsection (1) of section 20 of the said Act is repealed and the following substituted therefor:

“(b) fails to comply with any order, direction or requirement of an inspector made in pursuance of this Act

or any regulation, in respect of which no appeal has been taken under subsection (2),

(bb) fails to comply with any order, direction or requirement of an inspector made in pursuance of this Act or any regulation, as amended or confirmed by the Minister pursuant to subsection (2), or”

(2) Subsection (2) of section 20 of the said Act is repealed and the following substituted therefor:

“(2) A person who is dissatisfied with an order, direction or requirement of an inspector made in pursuance of this Act or any regulation may, within fifteen days from the day on which the order, direction or requirement was made, submit the facts respecting the order, direction or requirement to the Minister for his consideration and decision, and the Minister may confirm, revoke or amend the order, direction or requirement.

Appeal to Minister.

“(3) In any prosecution under paragraph (b) of subsection (1) for failure to comply with an order, direction or requirement of an inspector, a certificate purporting to have been signed by or on behalf of the Minister stating that no appeal in respect of the order, direction or requirement has been taken under subsection (2), shall be received in evidence as prima facie proof of that fact.

Certificate of Minister prima facie proof that no appeal taken.

“(4) In any prosecution under paragraph (bb) of subsection (1) for failure to comply with an order, direction or requirement of an inspector as amended or confirmed by the Minister, a certificate purporting to have been signed by or on behalf of the Minister stating

Certificate of Minister prima facie proof of order, etc., as confirmed or amended.

(a) that the Minister has amended or confirmed the order, direction or requirement of the inspector, and

(b) the terms of the order, direction or requirement as amended or confirmed,

shall be received in evidence as prima facie proof of the matters set forth in the certificate.”

10. The said Act is further amended by adding thereto, immediately after section 21, the following section:

“**21A.** Every person who,

(a) in or with respect to an application for a licence, permit or certificate under this Act, submits any false or misleading information or makes any false or misleading statement, or

Offences in respect to application.

(b) makes an application for a licence, permit or certificate that by reason of any non-disclosure of facts is false or misleading,

is guilty of an offence.”

11. Section 24 of the said Act is amended by adding thereto the following subsection:

Peace officer
may arrest
person
committing
offence.

"(2) Any peace officer may without warrant arrest any person whom he finds committing or whom he on reasonable ground suspects of having committed an offence against this Act."

Disclosure of
confidential
information.

12. Section 25 of the said Act is repealed and the following substituted therefor:

"**25.** Any person employed under this Act who without due authority from the Minister discloses any confidential information is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months, and is not thereafter eligible for employment in the service of Her Majesty."

Certain
powers of
Minister may
be delegated.

13. Section 28 of the said Act is repealed and the following substituted therefor:

"**28.** The powers conferred upon the Minister by sections 6, 7, 9 and 12 and subsection (2) of section 27 may be exercised by any person designated by the Minister."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 15.

An Act to amend the Export Credits Insurance Act.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of R.S., c. 105.
the Senate and House of Commons of Canada, enacts
as follows:

1. Section 3 of the *Export Credits Insurance Act*, chapter 105 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

“(2a) The Corporation is and shall be deemed always to have been an agent of Her Majesty for all purposes of this Act and its powers under this Act may be and shall be deemed always to have been exercised only as an agent of Her Majesty.” Agent of Her Majesty.

2. Section 5 of the said Act is repealed and the following substituted therefor:

“5. (1) The Corporation shall be under the management of a board of directors composed of the members of the Corporation and not more than four other directors appointed from time to time by the Governor in Council, one of whom shall be appointed by the Governor in Council to be President and General Manager of the Corporation. Board of directors.

(2) The Governor in Council may, on the recommendation of the Minister, appoint a person to be an alternate director for a member of the Corporation and the alternate director so appointed shall act as a director of the Corporation during any period in which such member is, by reason of illness, absence or other incapacity, unable to act as a director and shall, while so acting, be deemed to be a director. Alternate directors.

(3) Each director has one vote at a meeting of the Board. Votes

(4) The directors, except the Deputy Minister of Trade and Commerce, the Deputy Minister of Finance, the Director's fees.

Governor of the Bank of Canada, the President and General Manager, and any alternate director are entitled to receive, for attendance at directors' meetings, such fees as may be fixed by the by-laws of the Corporation, but the aggregate amount of the fees paid to all directors, exclusive of expenses, shall not exceed three thousand dollars in any fiscal year.

Remove,
re-appoint
replace.

(5) The Governor in Council may remove or suspend, re-appoint or reinstate, or replace any director or alternate director of the Corporation appointed by him."

3. Section 8 of the said Act is repealed and the following substituted therefor:

Delegation.

"**8.** The Board may delegate to the President and General Manager or any officer, agent or employee of the Corporation, authority to act in the conduct of the business of the Corporation in all matters that are not by this Act or by the by-laws of the Corporation specifically reserved to be done by the Board."

4. Section 10 of the said Act is repealed and the following substituted therefor:

Authorized
capital.

"**10.** (1) The authorized capital of the Corporation is fifteen million dollars, consisting of the five million dollars authorized prior to the coming into force of this section and an additional ten million dollars.

Capital
shares.

(2) The authorized capital is divided into one hundred and fifty thousand shares of the par value of one hundred dollars each, consisting of the fifty thousand shares subscribed for by the Minister prior to the coming into force of this section and an additional one hundred thousand shares.

Subscription
and payment
of additional
shares.

(3) The Minister shall subscribe for the additional one hundred thousand shares at par and the Minister of Finance shall pay the amount of such subscription out of the Consolidated Revenue Fund at such times and in such amounts as the Board requires.

Capital
surplus.

(4) The amount of five million dollars credited to the capital surplus account of the Corporation prior to the coming into force of this section shall continue to be the capital surplus of the Corporation.

Shares non-
transferable.
To be held
in trust.

(5) The shares of capital stock of the Corporation are not transferable and shall be held in trust for Her Majesty."

5. The said Act is further amended by adding thereto, immediately after section 11 thereof, the following section:

Underwriting
Reserve.

"**11A.** (1) The underwriting reserve account established by the Corporation prior to the coming into force of this section shall be continued and shall be known as the Underwriting Reserve.

(2) The Corporation shall at the end of each fiscal year, if the amount standing to the credit of the Underwriting Reserve is less than five million dollars, credit to the Reserve the excess, if any, of its revenues over its disbursements in that fiscal year or so much of the excess as is required to increase the amount of the Reserve to five million dollars.”

Amounts to
be credited
and total
Reserve.

6. Section 14 of the said Act is repealed and the following substituted therefor:

“14. The liability of the Corporation under the contracts of insurance issued and outstanding shall not at any time exceed a total of ten times the aggregate of the amount of the subscribed capital and the surplus of the Corporation.”

Liability
under
contracts
outstanding.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 16.

An Act to amend the Members of Parliament Retiring Allowances Act.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of R.S., c. 329.
the Senate and House of Commons of Canada, enacts
as follows:—

1. Section 6 of the *Members of Parliament Retiring Allowances Act*, chapter 329 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“6. A member shall, by reservation from his sessional indemnity, contribute to the Consolidated Revenue Fund six per cent of the first four thousand dollars payable to him by way of sessional indemnity in each period of twelve months, commencing with the day he became a member.”

Members' contributions.

2. Paragraph (a) of subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

“(a) a contribution equal to

- (i) six per cent of the amount received by the member by way of sessional indemnity in respect of that session if it was held prior to the commencement of the 7th session of the 21st Parliament, or
- (ii) the withdrawal allowance paid to the member in respect of that session if it was held after the end of the 6th session of the 21st Parliament,”

3. Paragraph (a) of subsection (1) of section 9 of the said Act is repealed and the following substituted therefor:

“(a) unless, at the time when the contribution is to be paid, the total amount of the contributions that have been or elected to be paid by him is less than four thousand dollars; or”

2-3 ELIZABETH II.

CHAP. 17.

An Act to amend an Act respecting the National Battlefields at Quebec.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection (1) of section 8 of *An Act respecting the National Battlefields at Quebec*, chapter 57 of the statutes of 1908, is repealed and the following substituted therefor:

“S. (1) The Minister of Finance is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission the sum of one hundred and twenty-five thousand dollars a year for a period not exceeding four years from the 1st day of April, 1954, to be expended by the Commission for the purposes and subject to the provisions of this Act.”

1908, cc. 57, 58;
1910, c. 41;
1911, c. 5;
1914, c. 46;
1925, c. 47;
1928, c. 36;
1938, c. 23;
1947-48, c. 62.

Payment of
\$125,000 a
year for four
years
authorized.

2. This Act shall come into force on the 1st day of April, 1954.

Effective
date.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 18.

An Act to implement the International Convention for the Northwest Atlantic Fisheries.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Northwest Atlantic Fisheries Convention Act*. Short title.

2. In this Act,

Definitions.

(a) "Commission" means the International Commission for the Northwest Atlantic Fisheries established under the Convention; "Commission."

(b) "Convention" means the International Convention for the Northwest Atlantic Fisheries set out in the Schedule; "Convention."

(c) "Convention area" means the water defined in the first paragraph of Article I of the Convention; "Convention area."

(d) "fishing vessel" means any vessel used in or outfitted for "Fishing vessel."

(i) catching or processing fish, or

(ii) transporting fish from fishing grounds; and

(e) "Protection Officer" means

"Protection Officer."

(i) a fishery officer within the meaning of the *Fisheries Act*,

(ii) an officer of the Royal Canadian Mounted Police,

(iii) a commissioned officer of the Royal Canadian Navy, or

(iv) any other person authorized by the Governor in Council to enforce this Act.

3. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Con- Regulations.

vention and anything done by the Commission thereunder, and without restricting the generality of the foregoing, may make regulations

- (a) for the conservation and protection of fish in the Convention area;
- (b) prohibiting, limiting or otherwise regulating
 - (i) the exploitation by citizens or residents of Canada or by Canadian fishing vessels of any stocks of fish in any part of the Convention area,
 - (ii) the loading, processing, transporting or possession of any stocks of fish in or from any part of the Convention area, and
 - (iii) the landing, importation, sale or other disposal of fish caught in any part of the Convention area;
- (c) respecting the operation of fishing vessels and the use of fishing gear in the Convention area;
- (d) providing for the issue, suspension and cancellation of licences for the purposes of this Act, and prescribing their terms, conditions and forms and fixing the fees for the issue of licences;
- (e) for the seizure, forfeiture and disposition of fishing vessels including equipment or fishing gear, or fish, by means of or in relation to which any of the provisions of the regulations have been contravened;
- (f) prescribing the powers and duties of Protection Officers and other persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those duties and powers; and
- (g) prescribing the penalties that may be imposed, either on summary conviction or on conviction on indictment, for violation of any regulation by any person in Canada or on, from or by means of any fishing vessels.

Jurisdiction
of courts.

4. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under the regulations as they have under sections 689 to 692 of the *Canada Shipping Act*, with respect to offences under that Act, and the provisions of those sections apply to offences under the regulations in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.

Adminis-
tration.

5. This Act shall be administered by the Minister of Fisheries.

Duration.

6. This Act shall continue in force until a day fixed by proclamation of the Governor in Council following termination of the Convention in accordance with the provisions thereof, and no longer.

SCHEDULE

INTERNATIONAL CONVENTION FOR THE
NORTHWEST ATLANTIC FISHERIES

The Governments, whose duly authorized representatives have subscribed hereto, sharing a substantial interest in the conservation of the fishery resources of the Northwest Atlantic Ocean, have resolved to conclude a convention for the investigation, protection and conservation of the fisheries of the Northwest Atlantic Ocean, in order to make possible the maintenance of a maximum sustained catch from those fisheries and to that end have, through their duly authorized representatives, agreed as follows:

Article I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40' west longitude; thence due south to 39°00' north latitude; thence due east to 42°00' west longitude; thence due north to 59°00' north latitude; thence due west to 44°00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10' north latitude; thence southward to a point in 75°00' north latitude and 73°30' west longitude; thence along a rhumb line to a point in 69°00' north latitude and 59°00' west longitude; thence due south to 61°00' north latitude; thence due west to 64°30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. The Convention area shall be divided into five sub-areas, the boundaries of which shall be those defined in the Annex to this Convention, subject to such alterations as may be made in accordance with the provisions of paragraph 2 of Article VI.

Article II

1. The Contracting Governments shall establish and maintain a Commission for the purposes of this Convention. The Commission shall be known as the International Commission for the Northwest Atlantic Fisheries, hereinafter referred to as "the Commission".

2. Each of the Contracting Governments may appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners.

3. The Commission shall elect from its members a Chairman and a Vice Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice Chairman must be Commissioners from different Contracting Governments.

4. The seat of the Commission shall be in North America at a place to be chosen by the Commission.

5. The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission.

6. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America.

7. Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments.

8. The Commission shall adopt, and amend as occasion may require, financial regulations and rules and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

Article III

1. The Commission shall appoint an Executive Secretary according to such procedure and on such terms as it may determine.

2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined and authorized by the Commission.

3. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff and shall perform such other functions as the Commission shall prescribe.

Article IV

1. The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article I, in order to carry out the objectives of this Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by their Commissioner or Commissioners, who may be assisted by experts or advisers. Each Panel shall elect from its members a Chairman who shall serve for a period of two years and shall be eligible for re-election but not to a succeeding term.

2. After this Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation in the sub-area concerned of fishes of the cod group (*Gadiformes*), of flatfishes (*Pleuronectiformes*), and of rosefish (*genus Sebastes*), except that each Contracting Government with coastline adjacent to a sub-area shall have the right of representation on the Panel for the sub-area.

3. Each Panel may adopt, and amend as occasion may require, rules of procedure and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

4. Each Government participating in a Panel shall have one vote, which shall be cast by a Commissioner representing that Government. Decisions of the Panel shall be taken by a two-thirds majority of the votes of all the Governments participating in that Panel.

5. Commissioners of Contracting Governments not participating in a particular Panel shall have the right to attend the meetings of such Panel as observers, and may be accompanied by experts and advisers.

6. The Panels shall, in the exercise of their functions and duties, use the services of the Executive Secretary and the staff of the Commission.

Article V

1. Each Contracting Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the Northwest Atlantic Ocean. With the assent of the Contracting Government concerned, a representative or representatives of an Advisory Committee may attend as observers all non-executive meetings of the Commission or of any Panel in which their Government participates.

2. The Commissioners of each Contracting Government may hold public hearings within the territories they represent.

Article VI

1. The Commission shall be responsible in the field of scientific investigation for obtaining and collating the information necessary for maintaining those stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently:

- (a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life in any part of the Northwest Atlantic Ocean;

- (b) collect and analyze statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;
- (c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the Northwest Atlantic Ocean;
- (d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;
- (e) conduct fishing operations in the Convention area at any time for purposes of scientific investigation;
- (f) publish and otherwise disseminate reports of its findings and statistical, scientific and other information relating to the fisheries of the Northwest Atlantic Ocean as well as such other reports as fall within the scope of this Convention.

2. Upon the unanimous recommendation of each Panel affected, the Commission may alter the boundaries of the sub-areas set out in the Annex. Any such alteration shall forthwith be reported to the Depositary Government which shall inform the Contracting Governments, and the sub-areas defined in the Annex shall be altered accordingly.

3. The Contracting Governments shall furnish to the Commission, at such time and in such form as may be required by the Commission, the statistical information referred to in paragraph 1(b) of this Article.

Article VII

1. Each Panel established under Article IV shall be responsible for keeping under review the fisheries of its sub-area and the scientific and other information relating thereto.

2. Each Panel, upon the basis of scientific investigations, may make recommendations to the Commission for joint action by the Contracting Governments on the matters specified in paragraph 1 of Article VIII.

3. Each Panel may recommend to the Commission studies and investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.

4. Any Panel may make recommendations to the Commission for the alteration of the boundaries of the sub-area defined in the Annex.

5. Each Panel shall investigate and report to the Commission upon any matter referred to it by the Commission.

6. A Panel shall not incur any expenditure except in accordance with directions given by the Commission.

Article VIII

1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, transmit to the Depositary Government proposals, for joint action by the Contracting Governments, designed to keep the stocks of those species of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch by the application, with respect to such species of fish, of one or more of the following measures;

- (a) establishing open and closed seasons;
- (b) closing to fishing such portions of a sub-area as the Panel concerned finds to be a spawning area or to be populated by small or immature fish;
- (c) establishing size limits for any species;
- (d) prescribing the fishing gear and appliances the use of which is prohibited;
- (e) prescribing an over-all catch limit for any species of fish.

2. Each recommendation shall be studied by the Commission and thereafter the Commission shall either

- (a) transmit the recommendation as a proposal to the Depositary Government with such modifications or suggestions as the Commission may consider desirable, or
- (b) refer the recommendation back to the Panel with comments for its reconsideration.

3. The Panel may, after reconsidering the recommendation returned to it by the Commission, reaffirm that recommendation, with or without modification.

4. If, after a recommendation is reaffirmed, the Commission is unable to adopt the recommendation as a proposal, it shall send a copy of the recommendation to the Depositary Government with a report of the Commission's decision. The Depositary Government shall transmit copies of the recommendation and of the Commission's report to the Contracting Governments.

5. The Commission may, after consultation with all the Panels, transmit proposals to the Depositary Government within the scope of paragraph 1 of this Article affecting the Convention area as a whole.

6. The Depositary Government shall transmit any proposal received by it to the Contracting Governments for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

7. The Contracting Governments shall notify the Depositary Government of their acceptance of the proposal, and the Depositary Government shall notify the Contracting Governments of each acceptance communicated to it, including the date of receipt thereof.

8. The proposal shall become effective for all Contracting Governments four months after the date on which notifications of acceptance

shall have been received by the Depositary Government from all the Contracting Governments participating in the Panel or Panels for the sub-area or sub-areas to which the proposal applies.

9. At any time after the expiration of one year from the date on which a proposal becomes effective, any Panel Government for the sub-area to which the proposal applies may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that Panel Government at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Panel Government under this paragraph, the proposal shall cease to be effective for any other Contracting Government upon the date a notice of withdrawal by such Government is received by the Depositary Government. The Depositary Government shall notify all Contracting Governments of every notice under this paragraph immediately upon the receipt thereof.

Article IX

The Commission may invite the attention of any or all Contracting Governments to any matters which relate to the objectives and purposes of this Convention.

Article X

1. The Commission shall seek to establish and maintain working arrangements with other public international organizations which have related objectives, particularly the Food and Agriculture Organization of the United Nations and the International Council for the Exploration of the Sea, to ensure effective collaboration and coordination with respect to their work and, in the case of the International Council for the Exploration of the Sea, the avoidance of duplication of scientific investigations.

2. The Commission shall consider, at the expiration of two years from the date of entry into force of this Convention whether or not it should recommend to the Contracting Governments that the Commission be brought within the framework of a specialized agency of the United Nations.

Article XI

1. Each Contracting Government shall pay the expenses of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual administrative budget of the proposed necessary administrative expenditures of the Commission and an annual special projects budget of proposed expenditures on special studies and investigations to be undertaken by or on behalf of the Commission pursuant to Article VI, or by or on behalf of any Panel pursuant to Article VII.

3. The Commission shall calculate the payments due from each Contracting Government under the annual administrative budget according to the following formula:

- (a) from the administrative budget there shall be deducted a sum of 500 United States dollars for each Contracting Government;
- (b) the remainder shall be divided into such number of equal shares as corresponds to the total number of Panel memberships;
- (c) the payment due from any Contracting Government shall be the equivalent of 500 United States dollars plus the number of shares equal to the number of Panels in which that Government participates.

4. The Commission shall notify each Contracting Government the sum due from that Government as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Government shall pay to the Commission the sum so notified.

5. The annual special projects budget shall be allocated to the Contracting Governments according to a scale to be determined by agreement among the Contracting Governments, and the sums so allocated to any Contracting Government shall be paid to the Commission by that Government.

6. Contributions shall be payable in the currency of the country in which the seat of the Commission is located, except that the Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of the annual budgets.

7. At its first meeting the Commission shall approve an administrative budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting Governments copies of that budget together with notices of their respective allocations.

8. In subsequent financial years, the Commission shall submit to each Contracting Government drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be considered.

Article XII

The Contracting Governments agree to take such action as may be necessary to make effective the provisions of this Convention and to implement any proposals which become effective under paragraph 8 of Article VIII. Each Contracting Government shall transmit to the Commission a statement of the action taken by it for these purposes.

Article XIII

The Contracting Governments agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the Convention area of the nationals or vessels of that Government which appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention.

Article XIV

The Annex, as attached to this Convention and as modified from time to time, forms an integral part of this Convention.

Article XV

1. This Convention shall be ratified by the signatory Governments and the instruments of ratification shall be deposited with the Government of the United States of America, referred to in this Convention as the "Depositary Government".

2. This Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments, and shall enter into force with respect to each Government which subsequently ratifies on the date of the deposit of its instrument of ratification.

3. Any Government which has not signed this Convention may adhere thereto by a notification in writing to the Depositary Government. Adherences received by the Depositary Government prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Adherences received by the Depositary Government after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary Government.

4. The Depositary Government shall inform all signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

5. The Depositary Government shall inform all Governments concerned of the date this Convention enters into force.

Article XVI

1. At any time after the expiration of ten years from the date of entry into force of this Convention, any Contracting Government may withdraw from the Convention on December thirty-first of any year by giving notice on or before the preceding June thirtieth to the Depositary Government which shall communicate copies of such notice to the other Contracting Governments.

2. Any other Contracting Government may thereupon withdraw from this Convention on the same December thirty-first by giving notice to the Depositary Government within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

Article XVII

1. The original of this Convention shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the signatory Governments and all the adhering Governments.

2. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

3. This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Convention.

DONE in Washington this eighth day of February 1949 in the English language.

FOR CANADA:

FOR DENMARK:

FOR FRANCE:

FOR ICELAND:

FOR ITALY:

FOR HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF NEWFOUNDLAND IN RESPECT OF NEWFOUNDLAND:

FOR NORWAY:

FOR PORTUGAL:

FOR SPAIN:

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

FOR THE UNITED STATES OF AMERICA:

Annex

1. The sub-areas provided for by Article I of this Convention shall be as follows:

Sub-area 1—That portion of the Convention area which lies to the north and east of a rhumb line from a point in 75°00' north latitude and 73°30' west longitude to a point in 69°00' north latitude and 59°00' west longitude; east of 59°00' west longitude; and to the north and east of a rhumb line from a point in 61°00' north latitude and 59°00' west longitude to a point in 52°15' north latitude and 42°00' west longitude.

Sub-area 2—That portion of the Convention area lying to the south and west of sub-area 1 defined above and to the north of the parallel of 52°15' north latitude.

Sub-area 3—That portion of the Convention area lying south of the parallel of 52°15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30' north latitude, 55°00' west longitude, in the direction of a point in 47°50' north latitude, 60°00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

Sub-area 4—That portion of the Convention area lying to the west of sub-area 3 defined above, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46' 35.34" north latitude, 66°54' 11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00' north latitude, 65°40' west longitude; thence due south to the parallel of 39°00' north latitude.

Sub-area 5—That portion of the Convention area lying west of the western boundary of sub-area 4 defined above.

2. For a period of two years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:

- (a) Sub-area 1—Denmark, France, Italy, Norway, Portugal, Spain, United Kingdom;
- (b) Sub-area 2—Denmark, France, Italy, Newfoundland;
- (c) Sub-area 3—Canada, Denmark, France, Italy, Newfoundland, Portugal, Spain, United Kingdom;
- (d) Sub-area 4—Canada, France, Italy, Newfoundland, Portugal, Spain, United States;
- (e) Sub-area 5—Canada, United States;

it being understood that during the period between the signing of this Convention and the date of its entry into force, any signatory or adhering Government may, by notification to the Depositary Government, withdraw from the list of members of a Panel for any sub-area or be added to the list of members of the Panel for any sub-area on which it is not named. The Depositary Government shall inform all the other Governments concerned of all such notifications received and the memberships of the Panels shall be altered accordingly.

2 - 3 ELIZABETH II.

CHAP. 19.

An Act to amend the Patent Act.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 203.

1. Subsections (1) and (2) of section 75 of the *Patent Act*, chapter 203 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

“75. (1) The following fees are payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say: Tariff of fees.

On filing an application for patent.....	\$30.00
On grant of patent, payable on pain of forfeiture within six months from the date of notice of the allowance of patent.....	30.00
On asking reinstatement of an abandoned application under section 32.....	25.00
On filing an amendment after allowance of an application for patent.....	10.00
On lodging a caveat.....	10.00
On asking to register a judgment pro tanto.....	4.00
On asking information re a pending application under section 11.....	10.00
On asking to register an assignment or any other document affecting or relating to a patent.....	5.00
On asking to attach a disclaimer to a patent.....	5.00
On asking entry of appointment of representative under section 31, subsection (3).....	5.00
On each claim exceeding twenty in number: under section 36, subsection (3).....	1.00
On petition to reissue a patent after surrender.....	50.00

On filing an application or petition under sections 41, 47 or 67 or 68.....	
For each patent mentioned therein.....	10.00
On asking for a certified typewritten or photostat copy of patent with specification, not exceeding twenty pages, exclusive of drawings.....	4.00
For every copy of drawings, per sheet.....	0.25
For uncertified photostat or blue print copy of any paper or drawing, per sheet.....	0.25
On office copies of documents, not abovementioned the following charges shall be made, the minimum charge being \$1.00: For every single or first folio of one hundred words certified copy.....	0.25
For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio.....	0.10

Forfeited
applications.

“(2) A forfeited application may be restored and a patent granted thereon on application to the Commissioner within six months from the incurrence of the forfeiture, on payment with the application for restoration, in addition to the fee payable on the grant of the patent, of a further fee of thirty dollars and the restored application is subject to amendment and re-examination.”

Transitional.

2. Where the fee prescribed for any matter by the *Patent Act* as amended by this Act (in this section called the new fee) is greater than the fee prescribed for that matter under the *Patent Act* as in force immediately prior to the coming into force of this Act (in this section called the old fee) and a person, on any day within six months after the coming into force of this Act, pays the old fee in respect of such matter, he shall be deemed to have paid the new fee on that day if he pays the difference between the new fee and the old fee within a time fixed by the Commissioner.

Coming into
force.

3. This Act shall come into force on the 1st day of April, 1954.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 20.

An Act to amend the Post Office Act.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of R.S., c. 212.
the Senate and House of Commons of Canada, enacts
as follows:

1. Section 10 of the *Post Office Act*, chapter 212 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"10. The rates of postage on letters posted in Canada ^{Rates on} for delivery in Canada are: ^{letters.}

(a) on each letter for delivery within the postal area in which it is posted, four cents for the first ounce or fraction of an ounce, and two cents for each additional ounce or fraction of an ounce, and

(b) on each letter posted within one postal area for delivery in another postal area, five cents for the first ounce or fraction of an ounce, and three cents for each additional ounce or fraction of an ounce."

2. This Act shall come into force on the 1st day of April, ^{Coming} 1954. ^{into force.}

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 21.

An Act to amend the Salaries Act.

[Assented to 4th March, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R S., c. 243

1. Sections 4 and 5 of the *Salaries Act*, chapter 243 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

“4. The salaries of the following Ministers, members of the Queen’s Privy Council for Canada, are as follows: Salaries of Ministers.

Per annum

\$

The Member of the Queen’s Privy Council holding the recognized position of First Minister	25,000
The Minister of Justice and Attorney General	15,000
The Minister of National Defence	15,000
The Minister of National Revenue	15,000
The Minister of Finance	15,000
The Minister of Transport	15,000
The Minister of Public Works	15,000
The President of the Queen’s Privy Council for Canada	15,000
The Minister of Fisheries	15,000
The Postmaster General	15,000
The Minister of Agriculture	15,000
The Secretary of State of Canada	15,000
The Minister of Trade and Commerce	15,000
The Minister of Labour	15,000
The Secretary of State for External Affairs	15,000
The Minister of National Health and Welfare	15,000
The Minister of Veterans Affairs	15,000

	Per annum
	\$
The Minister of Northern Affairs and National Resources.....	15,000
The Minister of Mines and Technical Surveys.....	15,000
The Minister of Citizenship and Immigration.....	15,000
The Associate Minister of National Defence.....	15,000
Salary of Solicitor General. "5. The salary of the Solicitor General of Canada is fifteen thousand dollars per annum."	

Repeal.

2. Section 6 of the said Act is repealed.

1952-53,
c. 6, s. 2.

3. Section 6A of the *National Defence Act*, chapter 184 of the Revised Statutes of Canada, 1952, is amended by striking out the words "and shall be paid a salary of ten thousand dollars per annum" in the fifth and sixth lines thereof.

Coming into
force.

4. This Act shall be deemed to have come into force on the 1st day of April, 1954.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 22.

An Act to amend the Telegraphs Act.

[Assented to 4th March 1954.]

HER Majesty, by and with the advice and consent of the R.S., c. 262.
Senate and House of Commons of Canada, enacts as follows:

1. Section 17 of the *Telegraphs Act*, chapter 262 of the Revised Statutes of Canada, 1952, is amended by striking out the word "or" at the end of paragraph (a) thereof, by inserting the word "or" at the end of paragraph (b) thereof, and by adding thereto the following paragraph:

"(c) authorized under the laws of Newfoundland as they existed immediately prior to the expiration of the 31st day of March, 1949, to construct or maintain telegraphic wires or cables, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Newfoundland, or the shore or bed thereof respectively, so as to extend beyond the limits of Newfoundland, and declared by proclamation of the Governor in Council to be subject to this Part."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 23.

An Act to Promote the Construction of new Houses, the Repair and Modernization of existing Houses, and the Improvement of Housing and Living Conditions.

[Assented to 18th March, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as the *National Housing Act*, Short title. 1954.

INTERPRETATION.

2. In this Act,

- | | |
|--|--|
| (1) "approved instalment credit agency" means a corporation, other than a bank, authorized to lend money to a purchaser of goods or to purchase obligations representing loans or advances to a purchaser of goods, and approved by the Governor in Council for the purpose of making loans under Part IV; | Definitions.
"Approved instalment credit agency". |
| (2) "approved lender" means a lender approved by the Governor in Council for the purpose of making loans under this Act; | "Approved lender". |
| (3) "approved loan" means a loan in respect of which the Corporation has given an undertaking pursuant to subsection (2) of section 6; | "Approved loan". |
| (4) "bank" means a bank to which the <i>Bank Act</i> or the <i>Quebec Savings Banks Act</i> applies; | "Bank". |
| (5) "borrowers' charges" means charges, prescribed by the Governor in Council, advanced by an approved lender in accordance with normal mortgage practices to safeguard the interests of the mortgagee and the Corporation; | "Borrowers' charges". |

- "Builder". (6) "builder" means a person who builds houses for sale or for rent;
- "Co-operative housing project". (7) "co-operative housing project" means a housing project built by a co-operative association incorporated under the laws of Canada or of any province;
- "Corporation". (8) "Corporation" means the Central Mortgage and Housing Corporation established by the *Central Mortgage and Housing Corporation Act*;
- "Cost of construction". (9) "cost of construction" means the aggregate of
 (i) the cost or appraised value of the land, whichever is the lesser, or, in the case of land acquired by gift or devise, the appraised value of the land,
 (ii) actual expenditure for building,
 (iii) the architectural, legal and other expenses and carrying charges necessary to complete the house or housing project,
 (iv) where work is done by the owner, such amount as the Corporation may fix as the value of the said work, and
 (v) land development costs and carrying charges;
- "Cost of construction of a family housing unit". (10) "cost of construction of a family housing unit" means the portion of the total cost of construction of a housing project that is attributable to the particular unit, the total cost being apportioned among the various family housing units on the basis of the relative housing accommodation provided by each unit;
- "Cost of conversion". (11) "cost of conversion" means the aggregate of
 (i) the cost of acquiring the land and building or the appraised value thereof, whichever is the lesser,
 (ii) the actual expenditure for converting the building into a housing project, and
 (iii) the architectural, legal and other expenses necessary to complete the project;
- "Family housing unit". (12) "family housing unit" means a unit providing therein living, sleeping, eating, food preparation and sanitary facilities for one family, with or without other essential facilities shared with other family housing units;
- "Family of low income". (13) "family of low income" means a family that receives a total family income that, in the opinion of the Corporation, is insufficient to permit it to rent housing accommodation adequate for its needs at the current rental market in the area in which the family lives;
- "Farm". (14) "farm" means land used for any tillage of the soil, including live stock raising, dairying, and fruit growing;
- "Guaranteed home extension loan". (15) "guaranteed home extension loan" or "guaranteed home improvement loan" means a home extension loan or a home improvement loan made in accordance with section 24;
- "Home extension loan". (16) "home extension loan" means a loan or a purchase of obligations representing loans or advances of money

made by a bank or approved instalment credit agency for the purpose of financing the alteration of, or the making of additions to, an existing home to add one or more family housing units thereto, but does not include a farm improvement loan as defined in the *Farm Improvement Loans Act*;

- (17) "home improvement loan" means a loan or a purchase of obligations representing loans or advances of money made by a bank or approved instalment credit agency for the purpose of financing repairs, alterations and additions to a home, but does not include a farm improvement loan as defined in the *Farm Improvement Loans Act*, or a home extension loan; "Home improvement loan".
- (18) "house" means a building, together with the land upon which it is situated, intended for human habitation comprising not more than two family housing units; "House".
- (19) "housing project" means a project, together with the land upon which it is situated, consisting of one or more houses, or one or more multiple-family dwellings or a combination of houses and multiple-family dwellings, together with any public space, recreational facilities, commercial space and other buildings appropriate to the project; "Housing project".
- (20) "insured loan" means a loan in respect of which an insurance policy has been issued under this Act and is in force; "Insured loan".
- (21) "lender" means a loan, insurance, trust or other company or corporation, trustee of trust funds, building society, credit union or other co-operative credit society authorized to lend money on the security of real or immovable property and a bank; "Lender".
- (22) "lending value" means the value for lending purposes of the house or housing project determined by the Corporation; "Lending value".
- (23) "limited-dividend housing company" means a company incorporated to construct, hold and manage a low-rental housing project, the dividends payable by which are limited by the terms of its charter or instrument of incorporation to five per cent per annum or less; "Limited-dividend housing company".
- (24) "low-rental housing project" means a housing project undertaken to provide decent, safe and sanitary housing accommodation complying with standards approved by the Corporation, to be leased to families of low income or to such other persons as the Corporation, under agreement with the owner, designates, having regard to the existence of a condition of shortage, overcrowding or congestion of housing; "Low-rental housing project".

- "Metro-politan area". (25) "metropolitan area" means a city together with one or more adjacent municipalities in close economic relationship with the city;
- "Minister". (26) "Minister" means the Minister of Public Works;
- "Mortgage". (27) "mortgage" includes hypothec;
- "Multiple-family dwelling". (28) "multiple-family dwelling" means a building containing three or more family housing units;
- "Municipality". (29) "municipality" means an incorporated city, metropolitan area, town, village, county, township, district, rural municipality or other municipality;
- "Official community plan". (30) "official community plan" means a master plan of community development and land utilization prepared by a local planning authority and legally adopted by or on behalf of a municipality;
- "One-family dwelling". (31) "one-family dwelling" means a house consisting of one family housing unit not attached to or forming part of any other house;
- "Owner". (32) "owner" includes the lessee under a lease having a term extending beyond the maturity date of a mortgage thereon for a number of years sufficient in the opinion of the Corporation to provide adequate security for an insured loan;
- "Rent reduction fund". (33) "rent reduction fund" means a fund into which contributions, donations, gifts and bequests may be made by the government of a province or by a municipality, social agency, foundation, trust, estate or person for the purpose of reducing the rental of a family housing unit to permit such unit to be occupied by a family of low income;
- "Rental housing project". (34) "rental housing project" means a housing project built for rental purposes;
- "Semi-detached dwelling". (35) "semi-detached dwelling" means a family housing unit joined by a common or party wall to one other family housing unit; and
- "Title". (36) "title" in relation to a loan secured by a mortgage on a long-term lease means the entire interest of the lessee.

AUTHORITY TO LEND.

Powers of
approved
lenders.

3. Notwithstanding any restrictions on its power to lend or invest money contained in any other statute or law, any approved lender subject to the jurisdiction of Parliament may

(a) in accordance with this Act make approved loans on the security of a first mortgage in favour of the lender;

- (b) purchase from the Corporation any obligation to the Corporation that is secured by a first mortgage and is insured by the Corporation;
- (c) sell or purchase insured loans together with the security taken in respect thereof;
- (d) pledge with the Corporation or an approved lender an insured loan to secure the repayment of money borrowed, and borrow money from the Corporation or an approved lender on the security of an insured loan;
- (e) administer an insured loan for and on behalf of the holder thereof; and
- (f) upon such terms and conditions as are agreed upon by the Corporation and the approved lender, act as agent for the Corporation in the making or administration of loans that the Corporation is authorized to make.

INTEREST.

4. (1) Subject to subsection (2), the Governor in Council may by regulation prescribe the maximum rate of interest payable by a borrower in respect of a loan to be made under this Act. G. in C. may prescribe interest.

(2) The rate of interest prescribed under subsection (1) shall not exceed the interest rate on long term Government bonds Maximum interest.

(a) by more than two and one-quarter per cent in respect of loans made under Part I;

(b) by more than two and one-quarter per cent in respect of loans made under section 15;

(c) by more than one-half of one per cent in respect of loans made under section 16; and

(d) by more than one and one-half per cent in respect of loans made under section 17.

(3) In this section "interest rate on long term Government bonds" means the rate of interest return that would be yielded in the market by Government of Canada bonds that, at the time the maximum rate of interest is prescribed under subsection (1), would mature in twenty years, such return to be determined by the Governor in Council on the basis of the yields of the most comparable issues of Government of Canada bonds outstanding in the market. "Interest rate on long term Government bonds" defined.

RIGHTS AND OBLIGATIONS OF THE CORPORATION.

5. Every right or obligation acquired or incurred by the Corporation under this Act, whether in its name or in the name of Her Majesty, is a right or obligation of Her Majesty. Rights and obligations of the Corporation.

PART I.

INSURED MORTGAGE LOANS.

*Insurance of Loans.*Insurance
of loans.

6. (1) The Corporation may issue an insurance policy in respect of a loan that is insurable under the provisions of this Act.

Advance
undertaking

(2) The Corporation may prior to the issue of an insurance policy in respect of a loan give an approved lender an undertaking that it will issue the insurance policy if the loan is fully advanced in accordance with this Act.

Instalment
loans.

(3) Where an approved loan is to be made by instalments and the lender has requested that the instalments be insured under this Act, the aggregate of the instalments approved by the Corporation shall, if the insurance fee in respect thereof has been paid, be deemed to be an insured loan.

Issue of
policy.

(4) Where an approved loan is fully advanced by an approved lender in accordance with this Act and the insurance fee in respect thereof has been paid, the Corporation shall at the request of the lender issue to the lender an insurance policy in respect of the loan.

Where loan
not fully
advanced.

(5) Notwithstanding section 7,

(a) where the Corporation is satisfied that an approved loan cannot be fully advanced in accordance with this Act, and instalments of the loan approved by the Corporation have been made, the Corporation shall at the request of the lender issue to the lender an insurance policy in respect of the aggregate of all instalments approved by the Corporation in respect of which the insurance fee has been paid;

(b) where the borrower refuses to accept the unadvanced portion of an approved loan, the Corporation may at the request of the lender issue to the lender an insurance policy in respect of that part of the loan that has been advanced and on which the insurance fee has been paid; and

(c) where a house or housing project is substantially completed and ready for occupancy but completion is delayed by reason of seasonal weather conditions, the Corporation may at the request of the approved lender and on such terms and conditions as may be prescribed by regulation issue an insurance policy for the full amount of the approved loan, if the insurance fee has been paid on the portion of the loan that has been advanced.

Insurance
fee.

(6) There shall be charged to the borrower at the time of the making of an approved loan or an instalment thereof

an insurance fee, which shall be collected by the approved lender and, subject to subsection (7), remitted to the Corporation, as follows:

(a) in respect of a loan to a home owner or to a builder who intends to sell the house to a home purchaser or to the person who owns the farm or to a co-operative housing association,

(i) if the loan is an instalment loan, a fee of two per cent of the amount of each instalment, and

(ii) if the loan is not an instalment loan, a fee of one and three-quarters per cent of the amount of the loan; and

(b) in respect of a loan to assist in the construction of a rental housing project or in the alteration of an existing residential structure to add one or more family housing units thereto,

(i) if the loan is an instalment loan, a fee of two and one-half per cent of the amount of each instalment, and

(ii) if the loan is not an instalment loan, a fee of two and one quarter per cent of the amount of the loan.

(7) In the case of an instalment loan that is not insured by the Corporation until it is fully advanced, the approved lender shall remit to the Corporation one and three-quarters per cent of the amount of the loan if it is a loan mentioned in paragraph (a) of subsection (6), and two and one-quarter per cent of the amount of the loan if it is a loan mentioned in paragraph (b) of subsection (6).

(8) An insurance policy issued under this Act in respect of a loan ceases to be in force if the loan is sold to a person other than an approved lender unless the loan continues to be administered by an approved lender in accordance with the regulations. Sale of loan.

(9) For the purposes of this section the insurance fee shall be calculated on the amount of the approved loan or an instalment thereof, less the insurance fee component of the approved loan or the instalment thereof. Calculation of insurance fee.

7. (1) Subject to section 8, a loan is insurable if

(a) it was made by an approved lender

Insurable
loans.

(i) for the purpose of assisting in the construction of a house, co-operative housing project or rental housing project, or

(ii) for the alteration of an existing residential structure to add one or more family housing units thereto,

according to sound standards of construction approved by the Corporation;

- (b) it was made to
 - (i) the person (in this Act called the "home owner") who owns the house and intends to occupy it or one of the family housing units thereof,
 - (ii) a builder who intends to sell the house to a person (in this Act called the "home purchaser") who will own and occupy the house or one of the family housing units thereof,
 - (iii) the person who owns the farm upon which the house has been built,
 - (iv) the co-operative housing association that owns the co-operative housing project, or
 - (v) the person who owns the rental housing project;
- (c) when made to a home owner who is a person engaged in the production of defence supplies as defined in the *Defence Production Act* (in this section called a "defence worker"), or to a builder who intends to sell the house to a home purchaser who is a defence worker, it was for the aggregate of
 - (i) 90% of the lending value, and
 - (ii) the amount of the insurance fee paid in respect of the loan;
- (d) when made to a home owner or builder who intends to sell the house to a home purchaser, it was for the aggregate of
 - (i) 90% of the first \$8,000 of the lending value or any part thereof,
 - (ii) 70% of the amount by which the lending value exceeds \$8,000, and
 - (iii) the amount of the insurance fee paid in respect of the loan;
- (e) when made in respect of a house containing two family housing units to a home owner or to a builder for sale to a home purchaser, it was for the aggregate of
 - (i) 90% of the first \$8,000 of one-half of the lending value or any part thereof,
 - (ii) 70% of the amount by which one-half of the lending value exceeds \$8,000,
 - (iii) 80% of the other one-half of the lending value,
 - (iv) the amount of the insurance fee paid in respect of the loan;
- (f) when made in respect of a house containing two family housing units to a home owner who is a defence worker or to a builder for sale to a home purchaser who is a defence worker, it was for the aggregate of
 - (i) 90% of the first one-half of the lending value,
 - (ii) 80% of the other one-half of the lending value, and
 - (iii) the amount of the insurance fee paid in respect of the loan;
- (g)

- (g) when made to a co-operative housing association in respect of houses, it was for the aggregate of
- (i) 90% of the first \$8,000 of the lending value of each house or any part thereof,
 - (ii) 70% of the amount by which the lending value of each house exceeds \$8,000,
 - (iii) the amount of the insurance fee paid in respect of the loan;
- (h) when made to a co-operative housing association in respect of houses that contain two family housing units, it was for the aggregate of
- (i) 90% of the first \$8,000 of one-half of the lending value of each house or any part thereof,
 - (ii) 70% of the amount by which one-half the lending value of each house exceeds \$8,000,
 - (iii) 80% of the other one-half of the lending value of each house, and
 - (iv) the amount of the insurance fee paid in respect of the loan;
- (i) when made to a co-operative housing association in respect of multiple family dwellings, it was for the aggregate of
- (i) 80% of the lending value of the multiple family dwellings, and
 - (ii) the amount of the insurance fee paid in respect of the loan;
- (j) when made to assist in the construction of a rental housing project, it did not exceed the aggregate of
- (i) 80% of the lending value of the project, and
 - (ii) the amount of the insurance fee paid in respect of the loan,
- and was not less than the lesser of the maximum loan permitted by regulations or 70% of the lending value of the rental housing project;
- (k) when made to assist in the alteration of an existing residential structure to add one or more family housing units thereto, it did not exceed the aggregate of
- (i) the lesser of 70% of the lending value of the structure and land upon which it is situated when the alteration is completed, or the amount of the cost of the alterations and the amount necessary to discharge all encumbrances on the title to the land, and
 - (ii) the amount of the insurance fee paid in respect of the loan;
- (l) when made to assist in the construction of a house on a farm, it did not exceed the aggregate of
- (i) the lesser of \$10,000 or two-thirds of the appraised value of the farm, determined by appraising the value of the land, exclusive of buildings, and adding

thereto the appraised increase in value of such land attributable to existing buildings and the construction of the house, and

- (ii) the amount of the insurance fee paid in respect of the loan;
- (m) it bears interest at a rate agreed upon between the borrower and the lender not in excess of the rate prescribed by the Governor in Council under section 4;
- (n) it is secured by a first mortgage in a form prescribed by regulation on the house or housing project in favour of the approved lender, except where the loan is made to a lessee of land, in which case the loan is secured by a first mortgage or an assignment of the leasehold interest of the lessee, and such further security, assignments, assurances and agreements as have been required by the Corporation;
- (o) when made to a home owner or to a builder who intends to sell the house to a home purchaser or to a person who owns the farm upon which the house has been built, or to a co-operative housing association, it is
 - (i) for a term of at least twenty-five years but not more than thirty years, or
 - (ii) for a term less than twenty-five years if the borrower so requested in writing or if permitted by the regulations;
- (p) when made to assist in the construction of a rental housing project, it is for a term not in excess of twenty-five years;
- (q) when made to assist in the alteration of an existing residential structure, to add one or more family housing units thereto, it is for a term not in excess of fifteen years;
- (r) it was made on such terms as to payment of principal, interest and taxes by monthly instalments or otherwise as may be determined by regulation;
- (s) it was advanced
 - (i) on completion of construction as determined by the Corporation, or
 - (ii) in the case of a loan the instalments of which are insured, in such instalments during the course of construction of the house or housing project as have been determined by the Corporation, or
 - (iii) in the case of an instalment loan that is not to be insured by the Corporation until it is fully advanced in such instalments as have been determined by the approved lender;
- (t) it was made on such other terms and conditions as were agreed upon between the approved lender and the Corporation; and

(u) it was made on such terms and in accordance with such conditions in addition to those specified in the preceding paragraphs as may be prescribed by regulation.

(2) With the approval of the Corporation, borrowers' charges may be added to the principal of an approved loan or an insured loan. Addition of borrowers' charges.

(3) Notwithstanding anything in this section, a loan mentioned in paragraph (c), (d), (e), (f), (g), (h), or (i) of subsection (1) may be for an amount less than the amount specified therein but not less than the lesser of Lesser loans.

(a) 70% of the lending value of the house or housing project, or

(b) the maximum loan permitted by regulation, if a loan for such lesser amount is requested in writing by the borrower or is made in such other circumstances as may be prescribed by regulation. See also Section 40

S. (1) A loan to a co-operative housing association is not insurable unless Conditions of insurance.

(a) the instrument of incorporation of the co-operative housing association and its by-laws are approved by the Corporation;

(b) the Corporation is satisfied that

(i) in the case of a project that will continue to be owned and managed by the co-operative association after completion of construction, at least eighty per cent of the family housing units of the project will be occupied by members or shareholders of the co-operative association; or Loft space
at 2nd floor
considered
for use

(ii) in the case of a project consisting of houses that on completion of construction are to be conveyed to members or shareholders of the association, at least eighty per cent of the members or shareholders will each own a house; and

(c) in the first instance, repayment of the loan is secured by a first mortgage on all the family housing units in the project.

(2) When the construction of a co-operative housing project consisting of houses has reached a stage satisfactory to the Corporation and the co-operative association conveys a house in the project to a member or shareholder of the association, the first mortgage or other security may be discharged in respect of the house and a new mortgage or other security taken in favour of the approved lender from the member or shareholder in an amount equal to the portion of the loan made in respect of the house in the first instance, and such amount shall be deemed to be a loan to a home owner and is insurable. Co-operative housing project.

Insurance Settlement.

Payment by
Corporation
upon con-
veyance of
property.

9. (1) Where an approved lender holding or administering an insured loan secured by mortgage acquires title to the mortgaged property by foreclosure or otherwise, after default has occurred under the mortgage, and the title is conveyed to the Corporation, clear of all encumbrances except as provided for by regulation and within the time prescribed by regulation, the Corporation shall pay to the approved lender the aggregate of the following:

- (a) the principal owing on the mortgage at the date of the commencement of foreclosure proceedings or at the date of acquisition otherwise than by foreclosure;
 - (b) approved borrowers' charges made before and after the date of commencement of foreclosure proceedings or the date of acquisition otherwise than by foreclosure;
 - (c) interest at the mortgage interest rate on each amount specified in paragraphs (a) and (b)
 - (i) for the period (hereinafter in this section called the "default period") for which interest thereon was due or accrued, and unpaid, at the time of the conveyance to the Corporation, or
 - (ii) for a period of six months, whichever is the shorter period;
 - (d) where the default period in respect of any amount specified in paragraph (a), (b) or (c) is in excess of six months, additional interest at the mortgage interest rate less two on each such amount
 - (i) for the period of such excess, or
 - (ii) for a period of twelve months, whichever is the shorter period, if after the mortgage account had gone into default in an amount equal to three monthly payments of principal, interest and taxes where the loan is repayable monthly, or in an amount equal to the quarterly, semi-annual or annual payment where the loan is repayable quarterly, semi-annually or annually, the approved lender holding or administering the loan within the time prescribed by regulation notified the Corporation of such default and took such steps in respect of such account as were satisfactory to the Corporation; and
 - (e) an acquisition fee of one hundred and twenty-five dollars and such taxable legal disbursements as may be approved by the Corporation;
- less two per cent of the amounts specified in paragraphs (a) and (c) and, in calculating the amount payable by the Corporation under this subsection, amounts received for the credit of the mortgage account when it was in default

shall be credited at the date of the receipt thereof first to interest then owing on the mortgage account, secondly to borrowers' charges and thirdly to the principal owing on the mortgage account.

(2) No payment shall be made under subsection (1) unless Conditions to payment.

(a) at the time of the conveyance of the property to the Corporation the property is unoccupied, or

(b) the property is occupied by such person and under such terms and conditions as may be determined by regulation.

(3) At the time of conveying the mortgaged property to the Corporation, any outstanding right to or in respect of the loan or any security therefor shall be transferred to the Corporation. Transfer of security

(4) Notwithstanding anything in this section, where default has occurred under a mortgage to secure an insured loan and the Corporation is of opinion that foreclosure or other acquisition of the title to the mortgaged property would unduly increase the loss in respect of the loan, the Corporation and the holder of the loan may, upon such terms and conditions as they may agree upon, fix and determine the amount of loss in respect of the insured loan, and the Corporation may pay such amount in lieu of the amount specified in subsection (1) if all rights to and in respect of the loan and any security therefor are transferred to the Corporation. Payment without conveyance in special cases.

(5) For the purposes of this section the mortgage account shall be deemed to continue until the time of the conveyance of the mortgaged property to the Corporation. Continuation of mortgage account.

Mortgage Insurance Reserve Fund.

10. (1) The Corporation shall establish a fund to be known as the "Mortgage Insurance Reserve Fund", in this Act called the "Fund", to which shall be credited all insurance fees received by the Corporation under this Act. Mortgage Insurance Reserve Fund.

(2) Property acquired by the Corporation under section 9, and investments made out of the Fund under subsection (3) of this section shall be assets of the Fund. Assets of the Fund.

(3) The Corporation may invest any part of the Fund in obligations of or guaranteed by Canada. Investments out of Fund.

(4) Insurance fees paid into the Fund, property acquired as assets of the Fund and the return on investments and assets of the Fund shall not be taxable income of the Corporation.

(5) All payments required to be made by the Corporation under section 9 shall be made out of the Fund. Payments out of Fund.

Advances
out of C.R.F.

(6) At the request of the Corporation the Minister may, out of the Consolidated Revenue Fund, advance to the Corporation upon terms and conditions approved by the Governor in Council, such amounts as the Minister considers necessary to enable the Corporation to discharge its obligations under section 9.

Corporation Investments.

Investments
by Corpora-
tion.

11. (1) The Corporation may out of its capital, out of the reserve fund established under section 30 of the *Central Mortgage and Housing Corporation Act*, or out of moneys appropriated by section 22 for the purpose

(a) purchase all right or interest of the holder of an insured loan and take an assignment of the mortgage and other security taken in respect thereof; and

(b) make loans to an approved lender on such terms and conditions, including the rate of interest, as the Corporation may determine upon the security of an assignment of or an agreement to assign insured loans held by the approved lender.

Sale of
obligations.

(2) The Corporation may sell to an approved lender any obligation to the Corporation that is secured by a first mortgage and assign the security held by the Corporation in respect thereof.

Insurance of
obligations
sold.

(3) When the Corporation has sold an obligation pursuant to subsection (2) it may issue an insurance policy in respect thereof to the purchaser and such obligation shall be deemed to be an insured loan and the Corporation shall, at the time of the sale, except where the obligation is a loan acquired by the Corporation pursuant to subsection (1) or is a loan made pursuant to Part I under section 40, credit the Fund with one and three-quarters per cent of the amount of the obligation at the time of sale if it is in respect of a house, and two and one-quarter per cent thereof if it is in respect of a rental housing project.

(4) Losses incurred by the Corporation in respect of a loan acquired by the Corporation pursuant to subsection (1) shall be charged to the Fund to the extent of the amount that would have been payable to an approved lender pursuant to section 9 if the loan had been held by the approved lender and the mortgaged property acquired by the Corporation shall be an asset of the Fund.

Regulations.

Regulations
by Governor
in Council.

12. (1) The Governor in Council may by regulation

(a) determine the maximum loan that may be made in respect of a house or housing project;

- (b) determine the minimum period of amortization of an insured loan;
- (c) subject to sections 4 and 6, determine the maximum charges that may be made by an approved lender or holder of an insured loan in respect of the making and administration thereof;
- (d) authorize the taking of a chattel mortgage, an assignment of rents or other security as further security for loans made under this Part and Part II, and prescribe the circumstances in which such further security shall be taken;
- (e) prescribe the form of the insurance policy that may be issued in respect of an insured loan and of the mortgage that shall be taken in respect thereof;
- (f) prescribe such other forms as may be required in connection with the making or administration of an insured loan; and
- (g) make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Part.

(2) The Corporation may

By
Corporation.

- (a) prescribe sound standards of construction;
- (b) prescribe the procedures to be followed in authorizing advances by an approved lender to a borrower; and
- (c) prescribe such forms as may be required for the purposes of this Part and have not been provided for by regulation pursuant to subsection (1).

Maximum Insurance.

13. Notwithstanding anything in this Act, the aggregate amount of all loans in respect of which insurance policies have been issued under this Act shall not exceed two billion dollars.

Aggregate
maximum of
\$2,000,000,000

PART II.

HOUSING FOR RENTAL PURPOSES AND LAND ASSEMBLY.

14. (1) Subject to this section, the Corporation may enter into contracts with builders to guarantee, in consideration of the payments specified in subsection (4), an annual return of rentals from rental housing projects after completion thereof of an amount to be determined by the Corporation, for a total period not exceeding thirty years.

Contract
guaranteeing
rentals from
rental
housing
projects.

(2) The Corporation may give to a builder an undertaking that the Corporation will enter into a contract with the builder under subsection (1) if the builder builds a rental housing project in accordance with this section.

Undertaking.

(3) No contract shall be entered into pursuant to subsection (1) unless

Conditions.

Terms of
contract.

(a) the project is completed and is built in an area satisfactory to the Corporation and in accordance with standards of construction approved by the Corporation, and

(b) the project consists of eight or more family housing units and is designed to provide housing accommodation of a size and type prescribed by the Corporation.

(4) The terms of a contract entered into under subsection (1) shall provide

(a) that the builder shall pay to the Corporation each year during the period of the guarantee

(i) one and three-quarters per cent of the return of rentals guaranteed for the first year after the completion of the project when the term of the guarantee is ten years,

(ii) two per cent of the return of rentals guaranteed for the first year after the completion of the project when the term of the guarantee is twenty years, and

(iii) two and one-quarter per cent of the return of rentals guaranteed for the first year after the completion of the project when the term of the guarantee is thirty years;

(b) that the builder or subsequent owner will provide efficient management of the rental housing project;

(c) that the rent to be charged in respect of each unit of the project shall not exceed, during the first three years after the completion of the unit, an amount to be determined by the Corporation;

(d) that when an amount has been paid by the Corporation under the contract referred to in subsection (1) equal to the amount of rentals guaranteed for the first year of the contract the Corporation may purchase the project from the owner thereof at a price that shall not exceed the estimated cost of construction as determined by the Corporation less two and one-half per cent per annum thereof from the time of completion of the project to the date of purchase;

(e) that the contract, with the approval of the Corporation, may be assigned to subsequent owners; and

(f) for such other matters as the Corporation may deem necessary or desirable to give effect to the purposes or provisions of this section.

Maximum
guarantee.

(5) The annual return of rentals, guaranteed by the Corporation under this section shall not exceed eighty-five per cent of the annual rental of the units of the project determined by the Corporation under paragraph (c) of subsection (4).

Alteration
of terms of
contract.

(6) The Corporation and the builder or subsequent owner may by agreement alter any term of a contract made under

subsection (1) but in no case shall the total guarantee period exceed thirty years in the case of any one project.

(7) The Governor in Council may by regulation prescribe the maximum guarantee in respect of a room or unit and may make provision for any matters for which he deems regulations are necessary or desirable to carry out the purposes or provisions of this section. Regulations.

15. (1) Notwithstanding any restrictions on its power to lend or invest money contained in any other statute or law, any approved lender subject to the jurisdiction of Parliament, may lend on the security of a first mortgage in favour of the approved lender an amount not exceeding eighty-five per cent of the estimated cost as determined by the Corporation of a rental housing project, the rentals of which are guaranteed by the Corporation pursuant to section 14 or in respect of which an undertaking has been given under subsection (2) of section 14 and sell or purchase loans made on rental housing projects the rentals of which are guaranteed by the Corporation pursuant to section 14, together with the security taken in respect thereof. Loans for rental housing projects.

(2) The mortgage referred to in subsection (1) shall be in such form as the Corporation may approve and shall Form of mortgage.

(a) bear interest at a rate not in excess of a rate prescribed by the Governor in Council,

(b) be for a term not in excess of twenty years, and

(c) provide for repayment in each year during the term of the mortgage of two and one-half per cent of the principal amounts advanced under the mortgage and the balance of the principal at the end of the term.

16. (1) The Corporation may, with the approval of the Governor in Council, make a loan to a limited-dividend housing company for the purpose of assisting in the construction of a low-rental housing project or in the purchase of existing buildings and the land upon which they are situate and their conversion into a low-rental housing project. Loans to limited-dividend housing corporations.

(2) A loan made under the authority of this section shall bear interest at a rate prescribed by the Governor in Council, shall not exceed ninety per cent of the lending value of the project, shall be for a term not exceeding the useful life of the project to be fixed by the Corporation and in any case not exceeding fifty years from the date of completion of the project and shall be secured by a first mortgage upon the project in favour of the Corporation. Interest, amount and term of loan.

(3) A loan may be made under this section only to a limited-dividend housing company that has entered into a contract with the Corporation on the terms set out in Security.

Conditions under which loans may be made.

subsection (4), to construct a low-rental housing project or to convert existing buildings into a low-rental housing project if

- (a) evidence satisfactory to the Corporation has been furnished of the need for the project by reason of shortage, overcrowding, congestion or the sub-standard character of existing housing accommodation in the municipality or the metropolitan area in which the project is to be situated;
- (b) the area in which the project is to be situated has in the opinion of the Corporation been adequately planned;
- (c) zoning regulations are in the opinion of the Corporation sufficient to assure the suitability of the area for the project throughout the term of the loan and to provide reasonable safeguards for the security of the loan;
- (d) adequate municipal services are available or are to be supplied forthwith to residents of the area;
- (e) the project for which a loan is requested will provide a sufficient number of family housing units to assure, in the opinion of the Corporation, reasonable economies in the construction or conversion thereof;
- (f) the organization and management of the company are in the opinion of the Corporation such as to assure competent and independent administration in the planning, construction or conversion and operation of the project;
- (g) adequate care has, in the opinion of the Corporation, been exercised to assure economical and suitable design and sound construction of a type of project that will assure the minimum practicable expenditures for repairs and maintenance during the term of the loan, and in the case of the conversion of existing buildings, if the cost of conversion is, in the opinion of the Corporation, reasonable;
- (h) the terms of acquisition by the company of the land upon which the project is to be constructed or of the buildings that are to be converted are satisfactory to the Corporation;
- (i) the terms of the contract made by the company with a contractor for the construction of the project or the conversion of the buildings are satisfactory to the Corporation;
- (j) the company, in the opinion of the Corporation, has or is able to provide funds sufficient, when added to the proceeds of the loan made by the Corporation, to pay the entire cost of the construction or conversion and ensure the completion of the project; and

(k) the powers given to the company and activities or transactions that are permitted by its charter or other instrument of incorporation are satisfactory to the Corporation.

(4) A contract with a limited-dividend housing company entered into under this section shall provide that Terms of contract.

(a) the maximum ratio between the rentals to be charged and the probable family income of the lessees of each family housing unit shall be such ratio as the Corporation may deem fair and reasonable or shall make such other provision for maintaining the low-rental character of the project as the Corporation may agree to;

(b) the company may receive contributions to a rent reduction fund from any province, municipality, social agency, trust, or person and shall use such fund solely for the purpose of reducing the rentals that otherwise would be charged;

(c) the company shall maintain books, records and accounts in a form satisfactory to the Corporation, shall permit the inspection of such books, records and accounts by a representative of the Corporation at any time and shall make such annual or other reports to the Corporation in such form and containing such particulars as the Corporation may require;

(d) the company shall furnish efficient management of the low-rental housing project, maintain the project in a satisfactory state of repair, and permit representatives of the Corporation to inspect the project at any time;

(e) the company shall make to the Corporation promptly on the due dates the payments required to be made in order to pay the interest on and amortize the loan during the term thereof;

(f) the amount of surplus earnings to be used or set aside for reserves, maintenance, repairs, possible decline in rentals or other contingencies shall be limited in such manner as may be agreed upon; and at the end of the term of the loan the amount of such surplus earnings so set aside and at that time unexpended shall be paid to such person or expended in such manner as is provided in the contract or as the Corporation may direct;

(g) except with the consent of the Corporation and on such terms and conditions as the Corporation may approve the project or any part thereof shall not be sold or otherwise disposed of during the term of the loan; and

(h) the Corporation shall have the right, in the event of the company failing to maintain the low-rental character of the project or otherwise committing a breach of the contract, to declare the unpaid principal of the

loan due and payable forthwith or to increase the interest payable thereafter on the unpaid balance of the said loan to such rate as the Governor in Council may determine.

Contract with limited-dividend housing company. terms.

(5) A contract with a limited-dividend housing company entered into under this section may also provide

(a) that the Corporation shall have the right to designate persons other than families of low incomes to whom housing accommodation provided by the project may be leased,

(b) that the Corporation shall have the right to prescribe the extent and manner in which depreciation and maintenance reserves shall be estimated and used, and

(c) for such other measures to be taken by the Corporation and the company as the Corporation may deem necessary or desirable to give effect to the purposes or provisions of this Act.

Loans to borrowers engaged in mining, lumbering, logging, or fishing

17. (1) The Corporation may with the approval of the Governor in Council, make a loan to a borrower engaged in the mining, lumbering, logging or fishing industry, to assist in the construction of low or moderate-cost housing projects in areas or localities that are adjacent to or connected with the operations of the borrower.

“Borrower” defined.

(2) For the purpose of this section the expression “borrower” means an incorporated company engaged in the mining, lumbering, logging or fishing industry, and includes a company (in this section referred to as a “subsidiary company”) incorporated for the purpose of owning, constructing and managing a housing project all the share capital of which, except directors’ qualifying shares, is owned by an incorporated company (in this section referred to as the “parent company”) engaged in the mining, lumbering, logging or fishing industry.

Interest. amount and term of loan.

(3) A loan made under this section shall bear interest at a rate prescribed by the Governor in Council, shall not exceed eighty per cent of the lending value of the project, shall be for a term not exceeding the useful life of the project to be fixed by the Corporation and in any case not exceeding fifteen years from the date of completion of the project.

Security.

(4) The loan shall be secured by a first mortgage on the land upon which the project is built in favour of the Corporation or, where the land is not owned by the borrower or the housing units are of a portable nature, by a first charge on the project and the interest of the borrower in the land upon which it is built in a form satisfactory to the Corporation or such other security as the Corporation may deem necessary to safeguard the interests of the Corporation.

(5) The Corporation shall prior to the approval of a loan under this section by the Governor in Council satisfy itself Prior conditions.

(a) that the area in which the project is to be built has a productive period sufficient to justify the proposed term of the loan, and

(b) that the proposed project is necessary to house persons in the area and those who may move into the area to provide necessary labour in connection with the operations of the borrower.

(6) A loan may be made under this section only to a borrower who has entered into a contract with the Corporation on the terms set out in subsection (7) to provide low or moderate-cost housing accommodation adjacent to or connected with the operations of the borrower, if Terms of contract.

(a) evidence satisfactory to the Corporation has been furnished of the need for such housing accommodation in connection with the said operations;

(b) the area in which the project is to be situated is, in the opinion of the Corporation, suitable for the project;

(c) the project for which the loan is requested will provide a sufficient number of family housing units of a class and kind to ensure, in the opinion of the Corporation, reasonable economies in the construction and operation thereof;

(d) evidence satisfactory to the Corporation has been provided that the project will be competently planned, constructed, administered and operated;

(e) adequate care has, in the opinion of the Corporation, been exercised, to assure economical and suitable design and sound construction appropriate to and in accordance with the area in which the project is built;

(f) the terms of acquisition by the borrower of the land upon which the project is to be constructed or the lease by which the land is made available for the project, are satisfactory to the Corporation;

(g) the terms of the contract made by the borrower with a contractor for the construction of the project, are satisfactory to the Corporation;

(h) evidence satisfactory to the Corporation has been provided that the borrower has or is able to provide funds sufficient when added to the proceeds of the loan made by the Corporation to ensure the completion of the project;

(i) the powers given to the borrower by its charter or instrument of incorporation are satisfactory to the Corporation; and

(j) in the case of a subsidiary company, repayment of the loan and the performance of the contract made by

it pursuant to this section are guaranteed by the parent company.

Further
provisions
of contract.

- (7) A contract with a borrower shall provide that
- (a) the borrower shall make to the Corporation promptly on the due dates the payments required to be made in order to pay the interest on and amortize the loan during the term thereof;
 - (b) the borrower shall furnish efficient management of the project and maintain the project in a satisfactory state of repair and permit representatives of the Corporation to inspect the project at any time;
 - (c) moneys invested in the project by the borrower shall not produce a return above operating expenses greater than the rate of interest agreed to be paid by the borrower on the loan made by the Corporation and that any return in excess of this amount shall be used as the Corporation determines for the benefit of the occupants of the housing units of the project;
 - (d) the borrower may receive contributions to a rent reduction fund and shall use such fund solely for the purpose of reducing the rentals that otherwise would be charged;
 - (e) the amount of surplus earnings to be used or set aside for reserves, maintenance, repairs, possible decline in rentals or other contingencies shall be determined by the Corporation;
 - (f) the Corporation shall have the right, in the event of the borrower failing to maintain the low or moderate rental character of the project or otherwise committing a breach of contract, to declare the unpaid principal of the loan due and payable forthwith or to increase the interest payable thereafter on the unpaid balance of the loan at such a rate as the Governor in Council may determine;
 - (g) the borrower shall maintain books, records and accounts in a form satisfactory to the Corporation, shall permit the inspection of such books, records and accounts by a representative of the Corporation at any time and shall make such annual or other reports to the Corporation in such form and containing such particulars as the Corporation may require;
 - (h) the borrower may rent the housing units to its employees or to other persons living in the community adjacent to or connected with its operations at rentals to be approved by the Corporation;
 - (i) the borrower during the term of the loan may with the approval of the Corporation, and upon terms and conditions satisfactory to the Corporation, sell under agreement for sale or lease and option, units of the project to prospective home owners; and

(j) in the event of a sale referred to in paragraph (i) the Corporation may undertake that when the home owner has fulfilled the terms of the agreement for sale it will discharge its mortgage claim or charge upon the unit purchased by the prospective home owner.

18. (1) The Governor in Council may by regulation make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Part.

Regulations
by Governor
in Council.

(2) The Corporation may prescribe

- (a) the manner in which the cost of construction of a rental housing project or a low-rental housing project or the cost of converting existing buildings into a low-rental housing project shall be calculated or estimated and by whom and in what manner an appraisal of any rental housing project shall be made;
- (b) sound standards of construction and the arrangements that shall be made to assure adequate supervision of any construction or conversion in respect of which a loan is made under this Part;
- (c) the information to be given by an applicant for a loan under this Part;
- (d) the conditions and procedures under which the proceeds of any loan under this Part may be advanced to a builder or a limited-dividend housing company;
- (e) the circumstances in which a chattel mortgage, an assignment of rents or other security, shall be taken as further security for any loans made under this Part; and
- (f) the books, accounts and records to be maintained by a limited-dividend housing company to which a loan is made under this Part and the manner in which and by whom they shall be audited, and the form of the annual or any other report to be made to the Corporation.

Power of
Corporation
to determine
administra-
tive matters.

19. (1) Notwithstanding any restriction on its power to lend or invest money contained in any other statute or law, any life insurance company subject to the jurisdiction of Parliament may, subject to the conditions hereinafter stated, invest its funds to an aggregate amount not exceeding five per cent of its total assets in Canada allowed by the Superintendent of Insurance under section 77 of the *Canadian and British Insurance Companies Act*, in the purchase of land and the construction thereon of a low cost or moderate cost rental housing project, including such buildings or such accommodation for retail stores, shops, offices and other community services, but not including hotels, as the company may deem proper and suitable for the convenience of the tenants of such rental housing proj-

Life insur-
ance com-
panies
investment.

ect, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

Conditions of
investment
under sub-
section (1).

(2) The conditions under which an investment referred to in subsection (1) may be made are as follows:

- (a) the project shall, in the discretion of the Corporation, be constructed in accordance or in harmony with an official community plan satisfactory to it;
- (b) the project shall be designed to provide housing accommodation for families of low or moderate income and the Corporation may prescribe a maximum average cost per room or per family housing unit provided thereby, or per person to be accommodated;
- (c) the company shall submit to the Corporation an application in a form to be prescribed by it and accompanied by the following:
 - (i) a map showing the location of the land and of the structures thereon, the purchase of which is deemed by the company to be necessary to the project,
 - (ii) a plan and specifications prepared by an architect showing the buildings or improvements to be constructed thereon pursuant to the project,
 - (iii) an estimate of the cost of the entire project prepared by an architect or engineer and approved by the company,
 - (iv) an estimate of the rentals of the family housing units and the other facilities to be provided necessary to assure a minimum return of six per cent per annum upon the cost of the entire project after payment of all taxes, insurance, cost of operation and maintenance, and an annual amount sufficient to amortize the cost of construction of the project less the cost of the land, within a period representing the estimated useful life of the project but not in any case exceeding fifty years from the date of completion of the project, and
 - (v) such other information or material as the Corporation may require; and

(d) the investment is approved by the Corporation.

(3) Where a life insurance company agrees with the Corporation

Guarantee
to life
insurance
company.

- (a) to maintain separate books and records relating to a rental housing project in which the company invests under this section satisfactory to the Corporation and open to its inspection at any time,
- (b) to establish a reserve on account of the project comprising all net earnings in any year after its completion

in excess of seven per cent per annum on the cost of the project, and

- (c) to repay out of the reserve any advances made by the Corporation under the guarantee hereinafter mentioned,

the Corporation shall guarantee to the company, for as long as it retains ownership of the whole or any part of the project, a net return in any year after the completion of the project of three per cent per annum of the cost of the project for a period not exceeding the estimated useful life of the project and in any case not exceeding fifty years.

- (4) For the purpose of this section "net return in any year" means an amount equal to annual net earnings derived from the project computed by deducting from the total annual revenues therefrom all expenses of the year in respect thereof, including provision for taxes, insurance, repairs and maintenance, interest and an amount sufficient to amortize the cost of construction of the project, including the cost of the land, over the estimated useful life of the project.

"Net return in any year" defined.

- (5) Two or more life insurance companies may join in the development, ownership and management of a rental housing project under this section.

Two or more companies join in project

- (6) The Governor in Council may for the purposes of this section designate

Approved lenders designated.

- (a) an approved lender subject to the jurisdiction of Parliament, and in such case subsections (1) to (5) and section 20 *mutatis mutandis* apply to the approved lender, except that the amount of its funds that may be invested shall not exceed five per cent of its assets in Canada or such amount as is approved by the Governor in Council for the purposes of this section, and

- (b) an approved lender that is not subject to the jurisdiction of Parliament but is empowered to make investments referred to in this section, and in such case subsections (2) to (5) and section 20 *mutatis mutandis* apply to the lender, but the amount of investments in respect of which guarantees may be given under this section shall not exceed five per cent of its assets in Canada or such amount as is approved by the Governor in Council for the purposes of this section.

- (7) The Governor in Council may make regulations to provide for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this section.

Regulations.

- (8) The Corporation may

- (a) prescribe the manner in which the cost of a rental housing project shall be calculated for the purposes

Power of Corporation to determine administrative matters.

of this section and may adjust the cost in the event of the sale of a portion of a rental housing project or an addition thereto,

(b) prescribe the manner in which the net earnings shall be calculated for the purposes of this section, and

(c) take such other measures as the Corporation may deem necessary or desirable to give effect to the purposes or provisions of this section and to safeguard the interests of the Corporation.

Insurance
company
may acquire
land.

(9) Prior to the approval of an investment pursuant to paragraph (d) of subsection (2) a life insurance company subject to the jurisdiction of Parliament may, notwithstanding any restriction on its power to invest money contained in any other statute or law, with the approval of the Corporation, purchase land for the purpose of making an investment under subsections (1) and (2) and may hold and manage the land upon such terms and conditions as the Corporation may specify.

Aggregate
principal
amount
guaranteed

20. The aggregate principal amount of investments that may be guaranteed by the Corporation under this Part shall not exceed one hundred and twenty-five million dollars.

Company
may invest
funds in
purchase of
land for
housing
development

21. (1) Notwithstanding any restriction on its power to lend or invest money contained in any other statute or law, any life insurance, trust or loan company subject to the jurisdiction of Parliament, (in this section called "company") may, subject to the conditions hereinafter set out, invest its funds in the purchase and improvement of land to be used for a residential housing development to an aggregate amount that, when added to the aggregate amount invested by the said company under section 19, does not exceed the limitation on the investment imposed by or pursuant to section 19 and subject to the provisions of this section may hold, maintain, repair, alter, demolish, improve, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

Conditions
of invest-
ment.

(2) The conditions under which an investment referred to in subsection (1) may be made, are as follows:

(a) the land shall, in the opinion of the Corporation, be suitable for a residential housing development;

(b) the purchase price of the said land shall be satisfactory to the Corporation;

(c) the improvements to be effected and the cost thereof shall be satisfactory to the Corporation;

(d) the company shall submit to the Corporation an application in a form satisfactory to the Corporation

containing such information and accompanied by such material as the Corporation may prescribe;

(e) the investment shall first be approved in writing by the Corporation; and

(f) the company shall enter into an agreement with the Corporation in accordance with subsection (3).

(3) Where a company agrees with the Corporation

(a) to acquire land and effect improvements thereon in accordance with this section,

In case of agreement with the Corporation.

(b) to maintain separate books and records relating to the land, the expenses incurred in respect thereof, the improvements made thereon and sales made thereof satisfactory to the Corporation and open to its inspection at any time, and

(c) to sell the land at such price as the Corporation may determine and on terms and conditions satisfactory to the Corporation or as may be set out in the agreement,

the Corporation shall guarantee to the company for so long as it retains ownership of the whole or any part of the land in which an investment is made pursuant to this section but not longer than the time specified in the agreement, which shall not exceed five years from the date of acquisition of the land by the company, the return of an amount equal to the company's investment in the land, together with interest thereon at a rate specified in the agreement but not in excess of three per cent per annum compounded annually.

Corporation to guarantee return and interest.

(4) The agreement referred to in subsection (3) may also provide

Further provisions of agreement.

(a) that the company shall plan the development of the land in a manner satisfactory to the Corporation and as a condition of the sale of the land shall receive an undertaking from the purchaser that any structures erected upon the land shall conform to the plan of the area and shall comply with standards of construction prescribed by the Corporation under this Act, and

(b) for such other measures to be taken by the Corporation and the company as the Corporation may deem necessary or desirable to give effect to the purposes or provisions of this section, and to safeguard the interests of the Corporation.

(5) At the end of the time specified in the agreement referred to in subsection (3), or when all the land has been sold by the company, whichever is the earlier, the Corporation shall

Corporation to determine amount of interest, investment and amount recovered.

(a) determine the aggregate amount of the investment by the company in the land and the interest thereon at the rate specified in the agreement compounded annually, and

(b) determine the amount recovered by the company out of the land from sales thereof or otherwise.

When
Corporation
to pay
excess.

(6) If the aggregate amount determined pursuant to paragraph (a) of subsection (5) exceeds the amount determined pursuant to paragraph (b) of that subsection, the Corporation shall pay to the company the amount of such excess, and the company shall transfer and convey to the Corporation all the unsold portion of the land.

When
company to
pay excess.

(7) If the amount determined pursuant to paragraph (b) of subsection (5) exceeds the amount determined pursuant to paragraph (a) of that subsection the company shall pay the amount of such excess to the Corporation.

Companies
may join
in purchase
of land.

(8) Two or more companies may join in the purchase and improvement of land for a residential housing development under this section.

"Invest-
ment"
defined.

(9) For the purpose of this section "investment" includes the purchase price of the land, moneys expended on the installation of services, the laying out and construction of streets, sidewalks, lanes and the development of park areas, public space and facilities appropriate to a residential housing development, and such carrying charges and other expenses incurred by the company in respect of the land as may be approved by the Corporation, including taxes, insurance, repairs and maintenance.

Governor in
Council may
designate
lender as
companies.

(10) The Governor in Council may designate as a company, for the purposes of this section,

(a) an approved lender subject to the jurisdiction of Parliament, and in such case subsections (1) to (9) *mutatis mutandis* apply to the lender, but the amount of its funds that may be invested shall not exceed five per cent of its assets in Canada or such amount as is approved by the Governor in Council for the purposes of this section, and

(b) an approved lender that is not subject to the jurisdiction of Parliament, but is empowered to make investments referred to in this section, and in such case subsections (1) to (9) *mutatis mutandis* apply to the lender, but the amount of investments in respect of which guarantees may be given under this section shall not exceed five per cent of its assets in Canada or such amount as is approved by the Governor in Council for the purposes of this section.

Regulations.

(11) The Governor in Council may make regulations to provide for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this section.

Corporation
may take
necessary
measures.

(12) The Corporation may take such measures as it deems necessary or desirable to give effect to the purposes or provisions of this section and to safeguard the interests of the Corporation.

22. (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate two hundred and fifty million dollars,

Advances out of C.R.F. to make loans and pay losses.

- (a) advance moneys to the Corporation for the purpose of making loans under this Part and under section 40,
- (b) reimburse the Corporation for losses sustained in respect of loans made under this Part, and
- (c) advance moneys to the Corporation not in excess of twenty-five million dollars for the purposes of subsection (1) of section 11.

(2) The Minister may, out of the Consolidated Revenue Fund, reimburse the Corporation for payments made by it under any guarantee given under this Part.

PART III.

HOUSING REDEVELOPMENT.

23. (1) In order to assist in the clearance, replanning, rehabilitation and modernization of blighted or substandard areas in any municipality, the Minister with the approval of the Governor in Council, may enter into an agreement with the municipality providing for the payment of a grant to the municipality in order to assist in defraying the cost to the municipality of acquiring and clearing, whether by condemnation proceedings or otherwise, an area of land suitable either as a location for a low cost or moderate cost rental housing project or for any federal, provincial or municipal public purpose.

Grants to municipalities for clearance of substandard areas

(2) An agreement entered into under subsection (1) shall provide

Agreement with municipality

- (a) that the municipality will acquire and clear the area at an estimated cost to be fixed by the agreement and that the area will be developed in accordance or in harmony with an official community plan satisfactory to the Minister;
- (b) that the municipality will sell the area, or some other area of a size sufficient to house at least the same number of persons as are living in the area to be cleared,
 - (i) to a limited-dividend housing company or a life insurance company for the construction thereon of a rental housing project under section 16 or 19, or
 - (ii) to the government of the province in which the area is situated and the Corporation jointly for the construction thereon of a rental housing project under section 36;

- (c) for the payment by the Minister of a grant to the municipality in accordance with this section; and
- (d) such other provisions as the Minister deems necessary or advisable for the proper carrying out of the purposes and provisions of this section.

Conditions
of grant.

(3) No grant shall be paid to a municipality under this section unless

- (a) the government of the province in which the area is situated has approved the acquisition and clearance thereof by the municipality;
- (b) the cost of acquisition and clearance, including cost of condemnation proceedings, less the amount of the grant under this section in respect thereof, is borne by the municipality or jointly by the municipality and the government of the province; and
- (c) the cleared area, or some other area of a size sufficient to house at least the same number of persons as were living in the cleared area,
 - (i) has been sold or agreed to be sold to a limited-dividend housing company or a life insurance company that has agreed to construct thereon a rental housing project under section 16 or 19 at a price that in the opinion of the Minister will enable the housing units of the project to be leased to tenants on a fair and reasonable basis, or
 - (ii) has been sold or agreed to be sold jointly to the Corporation and the province, the government of which has entered into an agreement with the Government of Canada under section 36 for the construction of houses thereon for sale or for rent.

Amount of
grant.

(4) A grant under this section shall not exceed one-half of the amount by which the lesser of

- (a) the cost of acquisition and clearance, including cost of condemnation proceedings, as estimated in the agreement between the Minister and the municipality, or
- (b) the actual cost of acquisition and clearance, including cost of condemnation proceedings,

exceeds

- (c) the price at which the area was sold, where it was sold for the construction thereon of a housing project under section 16, 19 or 36, or
- (d) the value of the area after clearance, where some other area was sold for the construction thereon of a housing project under section 16, 19 or 36.

Limitation
on cost of
project under
s. 36 in sub-
standard
area.

(5) Where a project is undertaken under section 36 in a blighted or substandard area, for the purpose of calculating the Corporation's share of the capital cost of the project, the cost of acquisition of the land for the project shall be an amount that in the opinion of the

Minister represents a fair and reasonable price for the land, not including any amount in respect of the cost of clearing the land.

(6) Grants under this section shall be paid out of the Consolidated Revenue Fund but the aggregate amount thereof shall not exceed twenty million dollars. C.R.F.

(7) The Governor in Council may make regulations respecting the manner in which costs are to be determined for the purposes of this section and providing for such other matters as may be deemed necessary and desirable for the carrying out of the purposes or provisions of this section. Regulations.

PART IV.

HOME IMPROVEMENT LOANS AND HOME EXTENSION LOANS.

24. (1) The Corporation shall, subject to this section and sections 25 and 26, pay to a bank or to an approved instalment credit agency the amount of loss sustained by it as a result of a home improvement loan, or a home extension loan, if Corporation
to pay losses
upon terms
prescribed.

- (a) the loan was made pursuant to an application in the form prescribed by regulation, signed by the borrower, stating the purpose for which the proceeds of the loan were to be expended;
- (b) the application stated that the borrower was the owner of the home in respect of which the loan was to be expended;
- (c) a responsible officer of the bank or of the approved instalment credit agency certified that he had scrutinized and checked the application for the loan with the care required of him by the bank or the agency in the conduct of its ordinary business;
- (d) in the case of a home improvement loan, the principal amount of the loan did not exceed two thousand five hundred dollars in the case of a one-family dwelling, or two thousand five hundred dollars for the first family housing unit and an additional twelve hundred and fifty dollars for every other family housing unit in the case of a multiple-family dwelling;
- (e) in the case of a home extension loan, the principal amount did not exceed thirty-seven hundred and fifty dollars for the first family housing unit, which was to be added to the existing home as a result of the expenditure of the loan and twelve hundred and fifty dollars for each additional family housing unit so to be added;
- (f) the loan was repayable in full by the terms thereof in not more than three years if the principal amount of the

loan did not exceed, in the case of a home improvement loan, twelve hundred and fifty dollars for a one-family dwelling or for each family housing unit in a multiple-family dwelling or, in the case of a home extension loan, twelve hundred and fifty dollars for each family housing unit to be comprised within the multiple-family dwelling, and in not more than five years in the case of any other loan;

- (g) the loan was repayable by the terms thereof in monthly instalments;
- (h) the rate of interest on the loan did not exceed the rate prescribed by the Governor in Council as long as the borrower was not in default;
- (i) the bank or approved instalment credit agency received from the borrower and remitted to the Corporation at the time of the making of the loan an insurance fee equal to one per cent of the amount of the loan;
- (j) except as provided in paragraph (i), no fee, service charge or charge of any kind other than interest, was by the terms of the loan payable so long as the borrower was not in default;
- (k) in the case of a home extension loan, the plans and specifications of the additions or alterations to be financed by the loan were approved by or on behalf of the Corporation before the loan was made;
- (l) no security by way of endorsement (other than that of the husband or wife of the owner) or otherwise was taken if the loan was made to an owner who occupied a one-family dwelling in respect of which the loan was to be expended so long as the borrower was not in default or except as provided by regulation in any other case; and
- (m) the loan was made on such terms and in accordance with such conditions in addition to those specified in the preceding paragraphs as may be prescribed by the regulations.

Termination
of operation
of this
section by
notice.

(2) The Corporation may, with the approval of the Governor in Council, by notice to a bank or an approved instalment credit agency, terminate the operation of this section in respect of home improvement loans or home extension loans, such termination to be effective after a time set out in the notice but not earlier than at least twenty-four hours after receipt of the notice at the head office of the bank or agency, and the Corporation is not liable under this Part to make any payment to the bank or agency in respect of any of such loans made after that time; but termination under this section does not relieve the Corporation of any liability imposed on it under this

Part, in respect of a home improvement loan or home extension loan made by the bank or agency before the time of termination.

(3) A notice given by the Corporation under subsection (2) may terminate the operation of this section in respect only of home improvement loans or in respect only of home extension loans or in respect of any class thereof, as may be specified in the notice.

Notice only operative as to specified loans.

25. The Corporation is not liable under this Part to pay to a bank or an approved instalment credit agency an amount in excess of five per cent of the aggregate principal amount of the guaranteed home improvement loans and guaranteed home extension loans made by the bank or agency.

Amount of payment for which Corporation liable.

26. The Corporation is not liable under this Part to make any payment to a bank or approved instalment credit agency in respect of loss sustained by it as a result of a home improvement loan or a home extension loan made after the aggregate principal amount of guaranteed home improvement loans and guaranteed home extension loans equals one hundred and twenty-five million dollars.

No liability on excess of \$125,000,000.

27. The Governor in Council may, on the recommendation of the Minister, make regulations,

Regulations.

(a) to define for the purposes of this Part the following expressions:

- (i) "owner" with power to include as owners, life-tenants, persons holding property under agreements for sale, or under long term leases, and any other person having rights approximating ownership,
- (ii) "repairs, alterations and additions",
- (iii) "home", and
- (iv) "responsible officer";

(b) to prescribe a form of application for guaranteed home improvement loans or guaranteed home extension loans;

(c) to prescribe in respect of guaranteed home improvement loans or guaranteed home extension loans

- (i) the security if any, to be taken by the bank or the approved instalment credit agency making the loan, for the repayment thereof,
- (ii) the terms of repayment and other terms not inconsistent with this Part upon which the said loans are to be made, and
- (iii) conditions to the liability of the Corporation under this Part in respect of home improvement loans or home extension loans in addition to but not

inconsistent with the conditions set out in paragraphs (a) to (k) of subsection (1) of section 24;

- (d) to prescribe forms of notes, agreements, certificates and other documents to be used in connection with guaranteed home improvement loans or guaranteed home extension loans, or as are considered necessary or advisable for the effective operation of this Part;
- (e) to provide that in the event of an actual or impending default in the repayment of a guaranteed home improvement loan or a guaranteed home extension loan, the bank or the approved instalment credit agency that made the loan, may, notwithstanding anything contained in this Part, alter or revise with the approval of the borrower by way of extension of time or otherwise any of the terms of the loan, or any agreement in connection therewith, and that the alteration or revision shall not discharge the liability of the Corporation in respect thereof under this Part;
- (f) to prescribe in the event of default in the repayment of a guaranteed home improvement loan or a guaranteed home extension loan, the legal or other measures to be taken by the bank or the approved instalment credit agency and the procedure to be followed for the collection of the amount of the loan outstanding, the disposal or realization of any security for the repayment thereof held by the bank or agency, and the rate of interest to be charged on overdue payments;
- (g) to prescribe the method of determination of the amount of the loss sustained by a bank or approved instalment credit agency as the result of a guaranteed home improvement loan or guaranteed home extension loan;
- (h) to prescribe the steps to be taken by a bank or an approved instalment credit agency to effect collection on behalf of the Corporation of any guaranteed home improvement loan or guaranteed home extension loan in respect of which payment has been made by the Corporation to the bank or agency under this Part, and to provide that in the event of neglect by the bank or agency to take the said steps, the amount of the said payment may be recovered by the Corporation;
- (i) to require reports to be made periodically to the Corporation by a bank or approved instalment credit agency in respect of guaranteed home improvement loans or guaranteed home extension loans made by it; and
- (j) to make provision for any other matter which he deems necessary or advisable to carry out the purposes or provisions of this Part.

28. (1) Any person who makes a statement in an application for a home improvement loan or a home extension loan that is false in any material respect or who uses the proceeds of the said loan for a purpose other than that stated in his application for the loan, is guilty of an offence under this Part and liable on summary conviction to a fine of not less than fifty dollars and not more than five hundred dollars.

False statement or unauthorized use of loans.

Offence.

(2) When any person is convicted of an offence under this section, there shall be imposed on him, in addition to any fine, a penalty equal to such amount of the loan made to him in respect of which the offence was committed as has not been repaid by him, with interest thereon to the date of payment, and such penalty shall be paid to the bank or approved instalment credit agency by which the loan was made, or if payment has been made by the Corporation under this Part to the bank or agency in respect of the loan, the penalty shall be paid to the Receiver General of Canada, and such payment discharges the liability of such person to repay the loan.

Pecuniary penalty in addition to fine.

29. (1) Where payment is made by the Corporation to a bank or an approved instalment credit agency under this Part in respect of any loss sustained by the bank or agency as a result of a loan, the bank or agency shall execute a receipt in favour of the Corporation in a form prescribed by regulation, and the Corporation is thereupon subrogated in and to all the rights of the bank or agency in respect of the loan, and, without limiting the generality of the foregoing, all rights and powers of the bank or agency in respect of the loan, and in respect of any judgment in respect thereof obtained by the bank or agency and in respect of any security taken by the bank or agency for the repayment thereof, thereupon are vested in the Corporation, and the Corporation is entitled to exercise all the rights and privileges that the bank or agency had or might exercise in respect of the loan, judgment or security, and to commence or continue any action or proceeding in respect thereof and to execute any document necessary by way of release, transfer, sale or assignment thereof, or in any way to realize thereon.

Subrogation of the rights of bank or agency to the Corporation.

(2) A document purporting to be a receipt executed under subsection (1) in the form prescribed by the regulations and purporting to be signed on behalf of a bank or an approved instalment credit agency is evidence of the payment by the Corporation to the bank or agency under this Part in respect of the loan therein mentioned, and of the execution of the said document on behalf of the bank or agency.

Evidence of receipt to Corporation for losses paid to bank or agency.

Amounts payable out of Consolidated Revenue Fund.

30. At the request of the Corporation the Minister may, out of the Consolidated Revenue Fund, advance to the Corporation, upon terms and conditions approved by the Governor in Council, such amounts as the Minister considers necessary to enable the Corporation to discharge its obligations under this Part.

PART V.

HOUSING RESEARCH AND COMMUNITY PLANNING.

Investigation into housing conditions

31. It is the responsibility of the Corporation to cause investigations to be made into housing conditions and the adequacy of existing housing accommodation in Canada or in any part of Canada and to cause steps to be taken for the distribution of information leading to the construction or provision of more adequate and improved housing accommodation and the understanding and adoption of community plans in Canada.

General and special powers of Corporation.

32. For the purpose of carrying out its responsibility under this Part, the Corporation may cause

- (a) investigations to be made into housing conditions and the adequacy of existing housing accommodation in Canada or in any part of Canada and into measures that may be taken for the improvement thereof;
- (b) studies to be made of investigations into housing conditions and housing accommodation made elsewhere than in Canada and into measures and plans or proposals taken or adopted or proposed elsewhere than in Canada for the improvement thereof;
- (c) investigations to be made into the factors affecting the cost of construction of housing accommodation and measures that may be taken to secure economies and increased efficiency in the said construction;
- (d) plans and designs to be prepared for houses that have a low cost of construction and in the opinion of the Corporation will provide suitable accommodation and arrangements to be made for the sale or distribution of the plans and designs in such manner as it sees fit;
- (e) information to be prepared and distributed and public lectures to be delivered to promote an understanding of the advisability of, and the principles underlying land, community and regional planning;
- (f) studies to be made of land utilization and community planning and arrangements to be made for the furnishing of information and advice with regard to the establishment of community planning agencies, and the planning of regional areas, communities and sub-

divisions, in co-operation with any local or other authority having jurisdiction over community planning and land subdivisions or otherwise with a view to promoting co-ordination between local community planning and the development of public services; and

- (g) generally such steps to be taken as it may deem necessary or advisable to promote construction of housing accommodation that in its opinion is sound and economical and to encourage the development of better housing and sound community planning.

33. (1) The Corporation may, with the approval of the Governor in Council,

- (a) cause to be prepared and undertaken, directly or in co-operation with other departments or agencies of the Government of Canada or the government of any province or with any municipality, university, educational institution or person, programmes of technical research and investigation into the improvement and development of methods of construction, standards, materials, equipment, fabrication, planning, designing and other factors involved in the construction or provision of improved housing accommodation in Canada and co-ordinate the said programmes or measures with other similar programmes or measures undertaken in Canada; Technical research and investigation.
- (b) enter into contracts for the production or development of materials, equipment or component parts for houses through the pilot-plant stage of production or development and for the testing of such materials, equipment or component parts; Tests.
- (c) undertake the publication, and the distribution of publications, co-ordinating the results of the said technical research, investigations, programmes and testing in such forms as may be most useful to the public or to the building industry; Publication and distribution of results of tests.
- (d) conduct competitions to secure plans, designs and specifications that in its opinion are suitable for housing to be constructed at low cost, and purchase the said plans or otherwise compensate persons taking part in the said competitions; Competitions.
- (e) make provision, in such manner as it deems advisable or in co-operation with any other department or agency of the Government of Canada, with the government of any province or with any university, educational institution or person, for promoting training in the construction or designing of houses, in land planning or community planning or in the management or operation of housing projects; Promotion of training in the construction or designing of houses.

Contract with manufacturer of component parts of houses for experimental production.

(f) enter into a contract with a manufacturer of plumbing or heating equipment or other component parts of houses for the experimental production of the said equipment or component parts in accordance with standardized designs that, in the opinion of the Corporation, may be manufactured or produced at low cost; and

(g) construct housing units for experimental purposes upon land owned or to be acquired by the Corporation for such purpose.

Guarantee to manufacturer.

(2) The Corporation may, with the approval of the Governor in Council, enter into a contract with a manufacturer referred to in paragraph (f) of subsection (1), to underwrite or guarantee the sale, at such price as may be agreed upon and specified in the contract, of the equipment or component parts referred to in that subsection, manufactured or produced for installation or use in farm or rural homes if the manufacturer manufactures or produces the equipment or component parts in such volume as may be agreed upon and specified in the contract and the Corporation may, with the said approval, enter into contracts with the manufacturer or any other person for the sale or distribution of the equipment or component parts in such manner as it may deem advisable.

Advisory Committees.

34. The Corporation may, with the approval of the Minister, for the purpose of assisting it in carrying out its responsibilities under this Act, appoint such advisory committees as it may deem advisable and may pay the reasonable travelling and living expenses incurred by the members of the advisory committees while attending the meetings thereof.

Payments out of C.R.F.

35. The Minister may pay any expenditure incurred under or in carrying out the provisions of this Part, out of the Consolidated Revenue Fund to an aggregate amount not exceeding five million dollars.

PART VI.

FEDERAL-PROVINCIAL PROJECTS.

Corporation may undertake projects jointly with provinces.

36. (1) The Corporation may pursuant to agreements made between the Government of Canada and the government of any province undertake jointly with the government of the province or any agency thereof projects for the acquisition and development of land for housing purposes and for the construction of houses for sale or for rent.

(2) An agreement referred to in subsection (1) shall provide that the capital cost of the project and the profits or losses thereon shall be shared seventy-five per cent by the Corporation and twenty-five per cent by the government of the province or an agency thereof and shall contain such other provisions as are considered necessary or advisable to give effect to the purposes and provisions of this section, and notwithstanding section 18 of the *Central Mortgage and Housing Corporation Act*, shall be executed on behalf of the Government of Canada by the Minister with the approval of the Governor in Council.

Agreements
with
provinces.

(3) Out of moneys appropriated by Parliament for the purposes of this section or out of the special account established by subsection (4) the Minister

Expenditures
paid out of
special
account or
appropriations.

(a) may advance to the Corporation for the purpose of meeting the Corporation's share of the capital cost of projects undertaken under this section such amounts as may be requested by the Corporation, on such terms and conditions as are approved by the Minister of Finance, and the Corporation shall give to the Minister in respect of such advances debentures or other evidences of indebtedness as the Minister may require, and

(b) shall reimburse the Corporation for losses sustained by it as a result of the sale or operation of any of the projects undertaken by the Corporation under this section and for its share of preliminary costs and expenses of investigation of projects that are abandoned.

(4) There shall be established a special account in the Consolidated Revenue Fund to which shall be credited out of the Consolidated Revenue Fund the sum of fifty million dollars.

Special
account
established.

(5) Out of moneys appropriated by Parliament for the purposes of this section there shall be credited to the special account established by subsection (4) an amount equal to the amounts paid out of the special account in the fiscal year immediately preceding the fiscal year during which the appropriation was made.

Restoration
of special
account.

(6) The Governor in Council may make regulations with respect to the projects that may be undertaken by the Corporation under this section prescribing

Regulations.

(a) the type of land that may be acquired for housing purposes and the maximum purchase price that may be paid for such land;

(b) the type, maximum costs and rentals of housing units that may be constructed;

(c) the number of housing units for which commitments may be given;

- (d) the rates of interest and amortization that may be charged against the capital costs of a project undertaken under this section;
- (e) the conditions under which family housing units may be sold or leased; and
- (f) any other matters deemed necessary or advisable to carry out the purposes or provisions of this section.

PART VII.

GENERAL.

Powers of
Corporation.

37. (1) The Corporation may, out of moneys advanced to it under subsection (7),

- (a) acquire land or housing projects by way of purchase, lease or otherwise;
- (b) install services in and effect improvements to or in respect of land acquired by it and develop and lay out such land for housing purposes;
- (c) construct, convert, or improve housing projects; and
- (d) acquire building materials and equipment and other personal property for use in connection with housing projects.

Idem.

(2) The Corporation may

- (a) hold, operate, manage, heat, maintain, supervise, alter, renovate, add to, improve, repair, demolish, and salvage properties acquired by the Corporation;
- (b) acquire from Her Majesty the leasehold or other interest of Her Majesty in houses or housing projects;
- (c) sell, lease, exchange or otherwise dispose of real or personal property acquired by it pursuant to this Act or the *Central Mortgage and Housing Corporation Act*;
- (d) obtain the participation of municipalities in housing projects; and
- (e) enter into contracts to carry out and do other acts or things incidental to the purposes of this section.

Transfer of
Crown lands
to
Corporation.

(3) The Governor in Council may by order transfer to the Corporation any lands or interest therein vested in Her Majesty and thereupon the lands or interest therein so transferred shall be deemed to be vested in the Corporation on a date to be fixed in the order.

Lands
acquired
pursuant to
loan.

(4) Whenever lands are acquired in the name of Her Majesty pursuant to this Act, the *National Housing Act*, chapter 188 of the Revised Statutes of Canada, 1952, *The Dominion Housing Act, 1935*, or *The National Housing Act, 1938*, the lands shall be deemed to be vested in the Corporation.

Property
subject to
*Central
Mortgage
and Housing
Corporation
Act*.

(5) Property acquired by the Corporation pursuant to this section and the proceeds of sale thereof and the revenue therefrom are subject to the provisions of the *Central Mortgage and Housing Corporation Act*.

(6) When real or immovable property is acquired by the Corporation or Her Majesty pursuant to this Act or the *Central Mortgage and Housing Corporation Act*, the Corporation may pay to a municipality or other taxing authority an amount equivalent to the taxes that might be levied in respect of the property or of the interest of the Corporation or of Her Majesty therein by the said authority if the property or interest were not so acquired, and may enter into such agreements as may be necessary to give effect to the provisions of this subsection.

Corporation
may pay
certain
taxes.

(7) The Minister may, out of moneys appropriated by Parliament for the purposes of subsection (1), make advances to the Corporation, on such terms and conditions as are approved by the Minister of Finance, and the Corporation shall give to the Minister in respect of such advances, debentures or other evidences of indebtedness as the Minister may require.

Advances.

38. (1) The Corporation may enter into contracts with builders to encourage the construction of houses to be sold to prospective home owners.

Contracts
for houses
to be sold to
prospective
home
owners.

(2) A contract may be entered into under subsection (1) only with respect to houses the construction of which is assisted by loans made pursuant to this Act, and such contract shall provide that,

Conditions.

(a) the builder shall finance the construction of the said houses under the provisions of this Act,

(b) the builder shall offer each of the said houses for sale at a price not in excess of the price fixed in the contract, and

(c) the Corporation shall, in consideration of the payment by the builder of such amount as the Governor in Council may prescribe, agree to purchase from the builder within one year from the date of completion thereof at a price fixed in the contract, any house built pursuant to the contract that remains unsold.

(3) A contract with a builder entered into under this section may also provide,

Further
conditions.

(a) that during such period as the Corporation requires, the builder shall offer the houses for sale only to veterans or persons engaged in the production of defence supplies as defined in the *Defence Production Act*, and

(b) that such other things shall be done as the Corporation deems necessary in order to carry out the intent of this section and to safeguard the interests of the Corporation.

(4) For the purpose of this section the expression "veteran" means a person who had been paid or is entitled

"Veteran"
defined.

to be paid a war service gratuity under the *War Service Grants Act*.

Purchases
deemed
loans.

(5) For the purposes of section 22 moneys expended for purchases under paragraph (c) of subsection (2) shall be deemed to be loans made under Part II, and losses resulting from such purchases shall be deemed to be losses in respect of loans made under Part II.

Newfound-
land
veterans.

(6) A person who served on active service

(a) in any of the naval or army forces of Newfoundland or, having been recruited in Newfoundland, in any of the naval, army or air forces raised in Newfoundland by or on behalf of the United Kingdom, or

(b) in any other naval, army or air forces of His Majesty and at the time of his enlistment therein was domiciled in Newfoundland,

shall be deemed to be a veteran for the purposes of this section.

Corporation
may execute
documents.

39. (1) Where title to real or other immovable property is acquired by the Corporation in the name of Her Majesty or the Corporation, either solely, or jointly with any other person, or where the Corporation is authorized to sell or dispose of real or other immovable property of Her Majesty, the Corporation may sell or otherwise dispose of such property and may grant, discharge or release easements, servitudes and other rights in respect thereof, and for such purpose the Corporation may execute and deliver, either in its own name or in the name of Her Majesty, deeds, grants, conveyances, transfers, easements, releases, discharges or other documents.

Sale for
cash or on
deferred
payment
plan.

(2) A sale of real or other immovable property by the Corporation may be either for cash or on a deferred payment plan, and the Corporation may take such security by way of agreement for sale, mortgage or otherwise, as it deems advisable in order to safeguard the interests of Her Majesty or the Corporation.

Corporation
may take
steps to
safeguard
mortgage.

(3) Where the Corporation has made a loan pursuant to this Act, the Corporation, to protect the mortgage security, may make supplementary loans to the borrower and take such other measures and steps as may be required in accordance with normal mortgage practice to safeguard the interests of the Corporation.

Where loans
not available
Corporation
may lend.

40. (1) Where in the opinion of the Corporation a loan is not being made available to a person pursuant to Part I or section 15, the Corporation may make a loan to such person to assist in the construction of a house or housing project on the same terms and conditions and subject to the same limitations as those upon which a loan may be made to such person under the provisions of Part I or section 15.

Handwritten notes:
Macdonald
willow
Park
1954
Calgary
1977
how

(2) When the Corporation makes a loan under this section pursuant to the provisions of Part I, it shall collect from the borrower an insurance fee in the same amount as an approved lender would collect from the borrower if the loan were made by an approved lender. Insurance.

(3) The Corporation shall credit the amount of any insurance fee collected pursuant to subsection (2) to the Mortgage Insurance Reserve Fund, and any loss incurred by the Corporation in respect of such loan when held by the Corporation shall be charged to the Fund to the extent of the amount that would have been payable to an approved lender pursuant to section 9 if the loan had been held by the approved lender, and the mortgaged property acquired by the Corporation shall be an asset of the Fund. Insurance fees credited to Fund.

(4) When a loan is made under this section on behalf of the Corporation by an approved lender the mortgage taken in respect thereof may be taken in the name of the Corporation or in the name of the approved lender as determined by agreement between the Corporation and the approved lender. Loan in name of Corporation on approved lender.

41. In addition to the authority elsewhere in this Act conferred upon him, the Governor in Council may make regulations for any purpose for which regulations are to be made under this Act. Regulations.

Annual Report.

42. (1) Within ten weeks after the end of the fiscal year of the Corporation, the Corporation shall make a report to the Minister with regard to the administration of this Act and the loans made under this Act during the preceding calendar year, and with regard to the administration of loans made under the *National Housing Act*, chapter 188 of the Revised Statutes of Canada, 1952, *The Dominion Housing Act, 1935*, and *The National Housing Act, 1938*. Report to the Minister.

(2) The report shall be laid before Parliament within fourteen days after the receipt thereof by the Minister or, if Parliament is not then sitting, on any of the first fourteen days next thereafter that Parliament is sitting, and the laying of such report before Parliament shall be deemed to be a sufficient compliance with the provisions of section 41 of the *National Housing Act*, chapter 188 of the Revised Statutes of Canada, 1952, and section 28 of *The National Housing Act, 1938*. To be laid before Parliament.

Coming into Force, Transitional and Repeal.

43. (1) Each Part of this Act shall come into force upon a day to be fixed by proclamation of the Governor in Council, Each Part to come into force upon proclamation.

and such proclamation may limit the type of loan to be made under any Part or the areas in which such loans may be made.

Termination
and limitation
of loans.

(2) The Governor in Council may by proclamation fix and determine a day on and after which or a period during which no loans under any Part or Parts or no loans in excess of a stipulated maximum amount may be made.

Coming into
force of
ss. 1 to 5.

(3) Sections 1 to 5 shall come into force on the day that Part I comes into force.

Termination
of former
Act.

(4) On and after the day that Part I comes into force no loan shall be made under Part I, section 13, Part III or section 43 of the *National Housing Act*, chapter 188 of the Revised Statutes of Canada, 1952, (hereinafter in this section referred to as the "former Act"), unless the loan was approved by the Corporation prior to that day.

Idem.

(5) On and after the day on which Part II comes into force no loan shall be made under Part II of the former Act, unless the loan was approved by the Corporation prior to that day, and no guarantee shall be entered into by the Corporation under section 19 or 21 of the former Act.

Idem.

(6) On and after the day on which Part III comes into force no grant shall be made under section 22 of the former Act.

Idem.

(7) The Corporation is not liable under Part IV of the former Act to make any payment to a bank or approved instalment credit agency in respect of loss sustained by it as a result of a home improvement or a home extension loan made after Part IV of this Act comes into force.

Idem.

(8) Part V of the former Act is repealed on the day that Part V of this Act comes into force.

Idem.

(9) Section 46 of the former Act is repealed on the day that Part VI of this Act comes into force, but the amount standing to the credit of the Special Account established by subsection (4) of section 46 of the former Act shall, in addition to the amounts provided for in section 36 of this Act, be credited to the Special Account established by subsection (4) of section 36 of this Act, and any agreement made under subsection (1) of section 46 of the former Act shall, for the purposes of subsection (3) of section 36 of this Act, be deemed to have been made under Part VI of this Act.

Reference to
former Act.

(10) A reference to the former Act in any other Act, or regulation made thereunder, shall be construed as including a reference to this Act.

2 - 3 ELIZABETH II.

CHAP. 24.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1955.

[Assented to 31st March, 1954.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble.
the Right Honourable Vincent Massey, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1955, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as the *Appropriation Act*, Short title.
No. 1, 1954.

2. From and out of the Consolidated Revenue Fund, \$526,007,622 granted for 1954-55.
there may be paid and applied a sum not exceeding in the whole five hundred and twenty-six million, seven thousand, six hundred and twenty-two dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1954, to the 31st day of March, 1955, not otherwise provided for, and being one-sixth of the amount of each of the items to be voted set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1955, as laid before the House of Commons at the present session of Parliament.

3. From and out of the Consolidated Revenue Fund, \$216,900 granted for 1954-55.
there may be paid and applied, in addition to the amount

granted therefor by section 2 of this Act, a sum not exceeding in the whole two hundred and sixteen thousand, nine hundred dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1954, to the 31st day of March, 1955, not otherwise provided for, and being one-quarter of the amount of the item to be voted set forth in Schedule A to this Act.

\$417,594.33
granted for
1954-55.

4. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section 2 of this Act, a sum not exceeding in the whole four hundred and seventeen thousand, five hundred and ninety-four dollars and thirty-three cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1954, to the 31st day of March, 1955, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in Schedule B to this Act.

\$4,303,708.08
granted for
1954-55.

5. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section 2 of this Act, a sum not exceeding in the whole four million, three hundred and three thousand, seven hundred and eight dollars and eight cents, towards defraying the several charges and expenses of the public service from the 1st day of April, 1954, to the 31st day of March, 1955, not otherwise provided for, and being one-twelfth of the amount of the several items to be voted set forth in Schedule C to this Act.

Account
to be
rendered.
R.S., c. 116.

6. Sums expended under the authority of this Act shall be accounted for in the Public Accounts in conformity with section 64 of the *Financial Administration Act*.

SCHEDULE A

Based on the Main Estimates, 1954-55. The amount hereby granted is \$216,900, being one-quarter of the amount of the item in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1955, and the purposes for which they are granted.

No. of Vote.	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	EXHIBITIONS		
431	Canadian International Trade Fair, including authority to refund; from revenue, deposits received for contracts for space.	*867,600

* Net total \$216,900

SCHEDULE B

Based on the Main Estimates, 1954-55. The amount hereby granted is \$417,594.33, being one-sixth of the amount of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1955, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR		
	B—UNEMPLOYMENT INSURANCE COMMISSION		
197	To provide for the transfer of labour to and from places where employment is available and expenses incidental thereto, in accordance with regulations of the Governor in Council.....	75,000	
	LEGISLATION		
	THE SENATE		
199	General Administration.....	453,249	
	HOUSE OF COMMONS		
202	General Administration—Estimates of the Clerk.....	1,250,777	
203	Estimates of the Sergeant-at-Arms.....	726,540	
			*2,505,566

* Net total \$417,594.33.

SCHEDULE C

Based on the Main Estimates, 1954-55. The amount hereby granted is \$4,303,708.08, being one-twelfth of the amount of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1955, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	AGRICULTURE	\$	\$
	EXPERIMENTAL FARMS SERVICE		
	Branch Experimental Farms, Sub-Stations and Illustration Stations—		
19	Operation and Maintenance	6,351,995	
	TERMINABLE SERVICES		
37	Freight Assistance on Western Feed Grains	17,000,000	
	CITIZENSHIP AND IMMIGRATION		
	A—DEPARTMENT		
	IMMIGRATION BRANCH		
61	Field and Inspectional Service, Abroad	1,835,259	
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
79	To provide capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to approval of Treasury Board ..	25,000,000	
	TRADE AND COMMERCE		
	STANDARDS BRANCH		
433	Electricity and Gas Inspection Services	683,021	
434	Weights and Measures Inspection Services ..	774,222	
			*51,644,497

* Net total \$4,303,708.08

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 25.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1954.

[Assented to 31st March, 1954.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble.
the Right Honourable Vincent Massey, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1954, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as the *Appropriation Act*, Short title.
No. 2, 1954.

2. From and out of the Consolidated Revenue Fund \$98,214,350 granted for 1953-54.
there may be paid and applied a sum not exceeding in the whole ninety-eight million, two hundred and fourteen thousand, three hundred and fifty dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1953, to the 31st day of March, 1954, not otherwise provided for, and being the amount of each of the items voted, set forth in the Schedule to this Act for the fiscal year ending the 31st day of March, 1954, as laid before the House of Commons at the present session of Parliament.

3. Sums expended under the authority of this Act shall be accounted for in the Public Accounts in conformity with Account to be rendered. R.S., c. 116.
section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Further Supplementary Estimates (1), 1953-54. The amount hereby granted is \$98,214,350, being the amount of the items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1954, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION SERVICE		
	Health of Animals—		
547	To provide for the payment of compensation to owners of animals affected with diseases coming under the operation of the Animal Contagious Diseases Act, which have died or have been slaughtered under circumstances unprovided for under the above Act and Regulations thereunder, in the amounts detailed in the Estimates.....	838	
548	To provide for grants to Fairs and Exhibitions in accordance with the regulations established by Order in Council of December 22, 1952, P.C. 4602; for payments on account of agreements in force on December 22, 1952, with Exhibition Associations covering the construction of buildings and other major undertakings—Further amount required and to authorize grants to the Exhibitions as detailed in the Estimates.....	108,000	
	MARKETING SERVICE		
549	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates—Further amount required.....	63,083	
	TERMINABLE SERVICES		
550	Agricultural Lime Assistance—Further amount required.....	85,000	
	SPECIAL		
551	Prairie Farm Rehabilitation Act and Water Storage—Further amount required.....	139,600	
552	Major Irrigation and Reclamation Projects in the Prairie Provinces—Further amount required.....	230,207	
553	Estimated amount required to recoup the Agricultural Prices Support Account to cover the net operating loss of the Agricultural Prices Support Board during the fiscal year 1953-54, including authority to credit to the account the net revenue received into the Agricultural Products Board Account from the sale of New Zealand meat received in exchange for beef shipped to the United Kingdom.....	37,758,894	
			38,385,622

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION		
	A—DEPARTMENT		
	INDIAN AFFAIRS BRANCH		
554	Education— Administration, Operation and Maintenance—Further amount required.....	120,000	
	B—NATIONAL GALLERY OF CANADA		
555	Payment to the National Gallery Purchase Account for the purpose of acquiring works of art, in conformity with section 8 of the National Gallery Act—Further amount required.....	360,000	480,000
	EXTERNAL AFFAIRS		
	A—DEPARTMENT AND MISSIONS ABROAD		
553	To provide for official hospitality—Further amount required...	4,000	
	B—GENERAL		
	TERMINABLE SERVICES		
557	Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	500,000	
558	To provide for aid to Greece for reconstruction and rehabilita- tion following earthquakes in the Ionian Islands.....	500,000	
559	To provide for a gift of wheat as a contribution to Famine Relief for Pakistan.....	5,000,000	
560	To provide for a gift of food as a contribution to Flood Relief for Japan.....	50,000	6,054,000
	FINANCE		
	GENERAL ADMINISTRATION		
561	Departmental Administration—Further amount required.....	5,800	
562	Comptroller of the Treasury—Central Office and Branch Offices Administration—Further amount required.....	220,000	
	ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS		
563	Superannuation and Retirement Acts, Administration—Further amount required.....	132,404	
564	To authorize and provide for adjustment payments in respect of subsidies previously paid and administrative expenses incurred by: (a) Commodity Prices Stabilization Corporation Ltd., and (b) the Minister of Finance on behalf of Her Majesty, pur- suant to the agreement entered into between the said Corporation and Her Majesty on the 25th day of June, 1953, under the authority of Order in Council P.C. 1953-868 dated the 1st day of June, 1953.....	310,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE—Concluded		
	PAYMENTS TO MUNICIPALITIES		
565	Grants to Municipalities in lieu of taxes on Federal Property— To provide for payments to municipalities in accordance with the Municipal Grants Act, and the Rural Municipal Grants Regulations established by Order in Council of August 6, 1952, P.C. 3729; and to provide for payments to municipalities under Order in Council of July 19, 1950, P.C. 3456, in respect of the cost of medical and hospital services and supplies furnished to federal employees and other persons specified therein—Further amount required includ- ing authority to regard the Admiralty Properties in the city of St. John's, Newfoundland, as Federal Property notwithstanding that formal transfer of administration has not been completed.....	343,783	
	CONTINGENCIES AND MISCELLANEOUS		
566	To authorize the write-off to the Consolidated Deficit Account of costs incurred in 1951 in engraving blank bonds in antici- pation of a loan which did not materialize.....	11,200	
567	To authorize the write-off from Non-Active Assets to the Consolidated Deficit Account of the net trading loss in the Securities Investment Account incurred prior to April 1, 1952 (\$40,072.79).....	1	
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
568	Government contribution to the Superannuation Account in respect of additional liability consequent upon the salary increases effective December 1, 1953.....	38,000,000	39,023,183
	FISHERIES		
	SPECIAL		
569	Amount required to recoup the Fisheries Prices Support Account to cover net operating loss of the Fisheries Prices Support Board during the fiscal year 1952-53.....		36,526
	JUSTICE		
	A—DEPARTMENT		
570	Combines Investigation Act—Office for Investigation and Research—Further amount required.....	65,000	
	GENERAL		
571	Expenses of Committee appointed to advise on principles and procedures relating to Remission Service.....	1,000	66,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
572	Labour Gazette, authorized by Labour Department Act— Further amount required.....	20,000	
	B—UNEMPLOYMENT INSURANCE ACT, 1940		
573	Administration—Further amount required.....	571,625	591,625
	LEGISLATION		
	THE SENATE		
574	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment of indemnity relating to the First Session of the Twenty-second Parliam- ent, 1953-54, to Members of the Senate for days lost through absence caused by public or official business, by illness, or on account of death. Payments to be made as the Treasury Board may direct.....	10,000	
575	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Mem- ber of the Senate who attended the first part of the First Session of the Twenty-second Parliament which commenced on November 12, 1953, and ended on December 16, 1953, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Christmas adjournment of Parliament on December 16, 1953, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date or at any other one time during that Session.....	5,500	
	HOUSE OF COMMONS		
576	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment of indemnity relating to the Seventh Session of the Twenty-first Parliam- ent and for the First Session of the Twenty-second Parliam- ent, 1953-54, to the Members of the House of Commons for days lost through absence caused by public or official business, by illness, or on account of death. Payments to be made on the recommendation of the Board of Internal Economy and as Treasury Board may direct. Each such payment to be deemed, for the purposes of the Members of Parliament Retiring Allowances Act, to be part of the sessional indemnity of the Member for the session in respect of which he received it—Further amount required.....	10,000	
577	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the House of Commons, who attended the first part of the First Session of the Twenty-second Parliam- ent which commenced on November 12, 1953, and ended on December 16, 1953, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Christmas adjournment of Parliament on December 16, 1953, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date or at any other one time during that Session....	20,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LEGISLATION— <i>Concluded</i>		
	HOUSE OF COMMONS— <i>Concluded</i>		
578	To authorize payment, during the present and subsequent fiscal years out of the unappropriated monies in the Consolidated Revenue Fund, to Members of the House of Commons for the Yukon Territory and the Northwest Territories, in respect of actual transportation expenses incurred by each such Member for one journey for dependent members of his family from his place of residence to the most convenient railway point, and return, for each Session of Parliament (commencing with the First Session, Twenty-Second Parliament) attended by him, the estimated amount required for 1953-54 being.....	1,000	
579	General Administration—Estimates of the Clerk—Further amount required.....	213,500	
580	Estimates of the Sergeant-at-Arms—Further amount required..	6,000	
			266,000
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GEOLOGICAL SURVEY OF CANADA		
581	Geological Surveys— Construction or Acquisition of New Equipment—Further amount required.....	18,600	
	B—DOMINION COAL BOARD		
582	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—Further amount required.....	2,370,700	
			2,389,300
	NATIONAL DEFENCE		
	PENSIONS AND OTHER BENEFITS		
583	To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payment to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act, as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organizations—Further amount required.....		2,640
	NATIONAL HEALTH AND WELFARE		
	WELFARE BRANCH		
584	Grant to British Empire and Commonwealth Games Association of Canada to assist in defraying expenses of the Canadian Team.....		10,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD		
	NATIONAL RESEARCH COUNCIL		
585	Salaries and Other Expenses—Further amount required including authority for additional expenditures from revenues derived from publications, laboratory fees, plant engineering, shop work and the conduct of its operations generally....	1	
	ATOMIC ENERGY CONTROL BOARD		
586	Atomic Energy of Canada Limited (Research Program)— Current Operation and Maintenance—Further amount required.....	265,000	265,001
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
587	Inspection, Investigation and Audit Services—Further amount required.....	27,000	
588	Ports, Outports and Preventive Stations— Operation and Maintenance—Further amount required.....	303,000	330,000
	NORTHERN AFFAIRS AND NATIONAL RESOURCES (formerly Resources and Development)		
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
	Northern Administration Division— Northwest Territories, including Wood Buffalo Park and Eskimo Affairs—		
589	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	2,500	
590	Yukon Territory, including Forest Conservation— To provide for a special grant to the Government of the Yukon Territory to help defray the costs of the severe poliomyelitis outbreak in 1953.....	43,282	
	FORESTRY BRANCH		
591	Branch Administration—Further amount required.....	7,000	
592	Forestry Operations Division— To provide for contributions to the Provinces for assistance in forest inventory and reforestation in accordance with agreements that have been or may be entered into by Canada and the Provinces—Further amount required.	100,000	152,782
	POST OFFICE		
593	Operations—Further amount required.....		1,100,000
	PRIVY COUNCIL		
	FEDERAL DISTRICT COMMISSION		
594	To provide for maintenance and improvement of grounds adjoining Government Buildings at Ottawa—Further amount required.....		44,260

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC PRINTING AND STATIONERY		
595	Distribution of Official Documents—Further amount required.		5,385
	PUBLIC WORKS		
	ARCHITECTURAL BRANCH		
596	Maintenance and Operation of Public Buildings and Grounds, other than at Ottawa, including repairs and upkeep, rents, furnishings, heating, etc.—Further amount required.	270,000	
	Acquisition, Construction and Improvements of Public Buildings		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the Details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
597	Quebec (\$420, less the amount of \$419 available from savings in other listed projects detailed in previous Estimates for 1953-54 for this Province).	1	
598	Yukon and Northwest Territories.	100,000	
	ENGINEERING BRANCH		
	Graving Docks		
599	Prince Rupert Dry Dock and Shipyard and appurtenant works—Additional amount in excess of the sum of \$110,000 already authorized by Vote 343 of the Appropriation Act No. 3, 1953, for the payment of operating losses and essential repairs, all such payments to be made in respect of operations during the calendar year 1953—Further amount required.	103,324	
	Acquisition, Construction and Improvements of Harbour and River Works		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the Details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—Further amount required—		
600	Quebec (\$17,000, less the amount of \$16,999 available from savings in other listed projects detailed in previous Estimates for 1953-54 for this Province).	1	
	GENERAL		
601	To provide for the expenses incurred by Central Mortgage and Housing Corporation in constructing and supervising construction of married quarters, schools and related services on behalf of the Department of National Defence (formerly under Department of Resources and Development)—Further amount required.	130,000	603,326
	SECRETARY OF STATE		
602	Departmental Administration—Further amount required.		15,700

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
603	Commodities Services, including Contributions as detailed in the Estimates—Further amount required.....		21,127
	TRANSPORT		
	A—DEPARTMENT		
604	Departmental Administration—Further amount required.....	161,000	
	CANAL SERVICES		
605	Operations and Maintenance—Further amount required.....	177,450	
606	To provide for expenses in connection with the St. Lawrence Ship Canal Surveys and Investigations (including St. Lawrence Seaway Investigations)—Further amount required...	200,000	
	MARINE SERVICES		
607	Marine Service Steamers— Construction or Acquisition of Vessels and Equipment, as detailed in the Estimates—Further amount required.....	291,907	
608	Pilotage Service— Administration, Operation and Maintenance—Further amount required.....	12,848	
609	River St. Lawrence Ship Channel Service— Contract Dredging—Further amount required.....	1,899,989	
	RAILWAY AND STEAMSHIP SERVICES		
610	Prince Edward Island Car Ferry and Terminals Deficit, 1953— Additional amount in excess of the sum of \$1,459,000 already appropriated, to provide for the payment during the fiscal year 1953-54 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport made from time to time by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the deficit (certified by the Auditors of the National Company) in the operation of the Prince Edward Island Car Ferry and Terminals arising in the calendar year 1953—Further amount required.....	143,855	
611	North Sydney, Nova Scotia—Port-aux-Basques, Newfoundland, Car Ferry and Terminals Deficit, 1953—Additional amount in excess of the sum of \$1,870,000 already appropriated to provide for the payment during the fiscal year 1953-54 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport made by the National Company to the Minister of Finance and to be applied by the National Company in the payment of the deficit (certified by the Auditors of the National Company) in the operation of the North Sydney, Nova Scotia—Port-aux-Basques, Newfoundland, Ferry and Terminals arising in the calendar year 1953—Further amount required.....	366,393	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT— <i>Concluded</i>		
	A—DEPARTMENT— <i>Concluded</i>		
	RAILWAY AND STEAMSHIP SERVICES— <i>Concluded</i>		
612	Canadian National (West Indies) Steamships, Limited, Deficit, 1953—To provide for the payment to the Canadian National (West Indies) Steamships, Limited (hereinafter called the Company) of the amount of the deficit for the year ending December 31, 1953 in the operations of the Company and the vessels under the control of the Company, as certified by the Auditors of the Company to the Minister of Finance and approved by the Minister of Transport.....	649,662	
613	Maritime Freight Rates Act—Additional amount in excess of the sum of \$10,453,000 already appropriated for the payment to the Railway Companies operating in the select territory designated by the Act, during the fiscal year 1953-54, of the difference occurring on account of the application of the Act, between the tariff tolls and normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by Auditors of the said Company respecting the Eastern Lines of the Canadian National Railways, and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the calendar year 1953 (chap. 174, R.S.)—Further amount required.....	199,002	
	GENERAL		
614	To provide for reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete, unserviceable, lost or destroyed.....	12,275	
	AIR SERVICES		
	Telecommunications Division		
615	Radio Act and Regulations— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	50,000	
	Civil Aviation Division		
616	Control of Civil Aviation, including the Administration of the Aeronautics Act and Regulations issued thereunder— Further amount required.....	46,000	
617	Grants to Organizations for the development of Civil Aviation, in the amounts detailed in the Estimates—Further amount required.....	30,000	
	B—GENERAL		
	AIR TRANSPORT BOARD		
618	Subventions for Air Carriers, as detailed in the Estimates— Further amount required.....	80,000	
	BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
619	Administration, Operation and Maintenance—Further amount required.....	49,200	
	CANADIAN MARITIME COMMISSION		
620	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required.....	144,971	
			4,514,552

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	VETERANS AFFAIRS		
621	Treatment Services— Operation of Hospitals and Administration—Further amount required.....	749,615	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
622	War Veterans Allowances—Further amount required.....	550,000	
623	Hospital and Other Allowances—Further amount required.....	100,000	
	MISCELLANEOUS PAYMENTS		
624	Employers Liability Compensation—Further amount required	55,000	
625	To authorize and provide for payment to Pearl Margaret Putnam, widow of the late Ross Hartwell Putnam, of the benefits to which she would have been entitled under the Veterans Insurance Act had his application for insurance thereunder been formally approved, by the Superintendent of Veterans Insurance, before his death.....	10,000	
626	To authorize the write-off to the Consolidated Deficit Account of the amount of \$570,539.67, which was due in respect of pensions paid by the Department of Veterans Affairs to members of the R.C.A.F. who served in the R.A.F. in World War II, payment of which by the United Kingdom was waived in accordance with the provisions of P.C. 1953-522 of April 2, 1953.....	1	
	CANADIAN PENSION COMMISSION		
627	Administration Expenses—Further amount required.....	15,000	
628	To provide for payment, in respect of the fiscal year ending March 31, 1954, of a monthly pension of \$100 to Mrs. Annie Elizabeth Cronk, and to authorize the Canadian Pension Commission to pay thereafter to Annie Elizabeth Cronk an annual pension during her lifetime, in the same manner and subject to similar terms and conditions as if she were the widow of a soldier holding the rank of private who died while rendering military service in World War I.....	1,200	
	TERMINABLE SERVICES		
629	Post Discharge Rehabilitation Benefits, including the training of Merchant Seamen and Salt Water Fishermen Pensioners— Further amount required.....	560,000	
			2,040,816
			96,397,850
	LOANS, INVESTMENTS AND ADVANCES		
	EXTERNAL AFFAIRS		
630	To provide, subject to regulations of the Treasury Board, for working capital advances in the current and subsequent fiscal years to posts and employees on posting abroad, and to authorize the creation of a special account in the Con- solidated Revenue Fund to which shall be credited expendi- ture made by and advances recovered from the said posts and employees, the excess of the amounts charged over the amounts credited to the account at any time not to exceed \$1,000,000. Vote 655 of the Appropriation Act No. 2, 1952 is hereby repealed.....	1,000,000	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES— <i>Concluded</i>		
	FISHERIES		
631	To authorize and provide for an advance to the Government of Nova Scotia in accordance with the terms of an agreement between the Government of Canada and the Government of Nova Scotia to be entered into with the approval of the Government in Council (in place of the agreement authorized to be entered into by Vote 765 of Appropriation Act No. 3, 1953) in an amount not exceeding seventy-five per cent of the loans made by the Government of Nova Scotia to fishermen for the purpose of replacing abnormal losses of equipment suffered by reason of severe weather conditions in the 1951-52 fishing season; the amount to be advanced not to exceed \$106,500 of which \$80,000 has already been provided under Vote 765 of Appropriation Act No. 3, 1953.....	26,500	
	NATIONAL REVENUE		
	<i>Customs and Excise Divisions</i>		
632	To authorize and provide for the operation of a revolving fund in accordance with section 58 of the Financial Administration Act for the purpose of acquiring and managing material to be used in the manufacture of uniforms, the amount to be charged to the revolving fund at any time not to exceed....	90,000	
	ROYAL CANADIAN MOUNTED POLICE		
633	To authorize and provide for the operation of a revolving fund in accordance with section 58 of the Financial Administration Act for the purpose of acquiring and managing material to be used in the manufacture of uniforms, the amount to be charged to the revolving fund at any time not to exceed \$450,000 of which \$250,000 was provided under Vote 547, Appropriation Act No 3, 1953—Further amount required...	200,000	
	VETERANS AFFAIRS		
	<i>Soldier Settlement and Veterans' Land Act</i>		
634	To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; refunds to Veterans (sections 11 and 21); and for protection of security under the Veterans' Land Act—Further amount required.....	500,000	
	Total.....		1,816,500
			98,214,350

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 26.

An Act to amend the Emergency Gold Mining Assistance Act.

[Assented to 31st March, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., cc. 95,
318,
1952-53, c. 32.

1. (1) Section 4 of the *Emergency Gold Mining Assistance Act*, chapter 95 of the Revised Statutes of Canada, 1952, is amended by repealing all the words therein before paragraph (b) thereof and substituting therefor the following: R.S., c. 318.

"4. This Act applies in respect of gold produced from a mine and sold in any of the calendar years 1951, 1952, 1953 and 1954, subject to the following modifications: Application of
Act to 1951,
1952, 1953 and
1954.

(a) the expression "designated year" includes the calendar year 1951, 1952, 1953 and 1954;"

(2) Paragraph (d) of section 4 of the said Act is repealed and the following substituted therefor: 1952-53, c. 32.

"(d) the expression "rate of assistance" for a mine for any period during the designated years 1951 and 1952 means the amount that is fifty per cent of the amount by which the average cost of production of gold from the mine during the period exceeds twenty-two dollars, but not in any event exceeding eleven dollars and fifty cents; and the expression "rate of assistance" for a mine for any period during the designated years 1953 and 1954 means the amount that is fifty per cent of the amount by which the average cost of production of gold from the mine during the period exceeds eighteen dollars, but not in any event exceeding thirteen dollars and fifty cents; and"

2-3 ELIZABETH II.

CHAP. 27.

An Act respecting the Export and Import of Strategic and Other Goods.

[Assented to 31st March, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Export and Import Permits Act*. Short title.

INTERPRETATION.

2. In this Act,

(a) "Area Control List" means a list of countries established under section 4;

(b) "Export Control List" means a list of goods established under section 3;

(c) "Import Control List" means a list of goods established under section 5;

(d) "Minister" means the Minister of Trade and Commerce, and includes any person authorized by him to perform his functions under this Act; and

(e) "resident of Canada" means, in the case of a natural person, a person who ordinarily resides in Canada and, in the case of a corporation, a corporation having its head office in Canada or operating a branch office in Canada.

Definitions.

"Area
Control
List."

"Export
Control
List."

"Import
Control
List."

"Minister."

"Resident of
Canada."

ESTABLISHMENT OF CONTROL LISTS.

3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely, Export list of
goods.

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- (b) to implement an intergovernmental arrangement or commitment; or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs.

Export list of countries.

4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control.

Import list of goods.

5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,

- (a) to ensure, in accordance with the needs of Canada, the best possible supply and distribution of an article that is scarce in world markets or is subject to governmental controls in the countries of origin or to allocation by intergovernmental arrangement;
- (b) to implement any action taken under the *Agricultural Prices Support Act*, the *Fisheries Prices Support Act*, the *Agricultural Products Co-operative Marketing Act* or the *Agricultural Products Board Act*, to support the price of the article or that has the effect of supporting the price of the article; or
- (c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the list is laid before Parliament pursuant to the *Regulations Act*.

Amendment of lists.

6. The Governor in Council may revoke, amend, vary or re-establish any Area Control List, Export Control List or Import Control List.

PERMITS AND CERTIFICATES.

7. The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations. Export permits.

8. The Minister may issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations. Import permits.

9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require. Import certificates.

10. The Minister may amend, suspend, cancel or reinstate any permit, certificate or other authorization issued or granted under this Act. Alteration of permits, etc.

11. A permit, certificate or other authorization issued or granted under this Act does not affect the obligation of any person to obtain any licence, permit or certificate to export or import that may be required under this or any other law or to pay any tax, duty, toll, impost or other sum required by any law to be paid in respect of the exportation or importation of goods. Other lawful obligations not affected.

REGULATIONS.

12. The Governor in Council may make regulations, Regulations
 (a) prescribing the information and undertakings to be furnished by applicants for permits, certificates or other authorizations under this Act, the procedure to be followed in applying for and issuing or granting permits, certificates or other authorizations, the duration thereof, and the terms and conditions, including those with reference to shipping or other documents, upon which permits, certificates or other authorizations may be issued or granted under this Act;

- (b) respecting information to be supplied by persons to whom permits, certificates or other authorizations have been issued or granted under this Act and any other matter associated with their use;
- (c) respecting the issue of and conditions or requirements applicable to general permits or general certificates;
- (d) respecting the certification, authorization or other control of any in-transit movement through any port or place of any goods that are exported from Canada or of any goods that come into any port or place in Canada;
- (e) exempting any person or goods or any class of persons or goods from the operation of any or all of the provisions of this Act; and
- (f) generally for carrying out the purposes and provisions of this Act.

OFFENCES AND PENALTIES.

Export or
attempt to
export.

13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act.

Import or
attempt to
import.

14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act.

Diversion,
etc.

15. Except with the authority in writing of the Minister, no person shall knowingly do anything in Canada that causes or assists or is intended to cause or assist any shipment, transshipment or diversion of any goods included in an Export Control List to be made, from Canada or any other place, to any country included in an Area Control List.

No transfer
of permits.

16. No person who is authorized under a permit issued under this Act to export or import goods shall transfer the permit to, or allow it to be used by, a person who is not so authorized.

False
information

17. No person shall wilfully furnish any false or misleading information or knowingly make any misrepresentation in any application for a permit, certificate or other authorization under this Act or for the purpose of

procuring its issue or grant or in connection with any subsequent use of such permit, certificate or other authorization or the exportation, importation or disposition of goods to which it relates.

18. No person shall knowingly induce, aid or abet any person to violate a provision of this Act or the regulations. Aiding and abetting.

19. (1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable Offence and penalty.

(a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or

(b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) A prosecution under paragraph (a) of subsection (1) may be instituted at any time within three years from the time when the subject-matter of the complaint arose. Limitation on summary offences.

20. Where an offence under this Act has been committed by a corporation, whether or not the corporation has been prosecuted or convicted, every person who at the time of the commission of the offence was a director or officer of the corporation, is guilty of the like offence and is liable, on conviction, to the punishment provided for the offence, upon proof that the act or omission constituting the offence took place with his knowledge or consent or that he failed to exercise due diligence to prevent the commission of such offence. Officers of corporations.

21. Where a permit under this Act is issued to a person who has applied therefor for or on behalf of or for the use of another person who is not a resident of Canada and such other person commits an offence under this Act, the person who applied for the permit is, whether or not the non-resident has been prosecuted or convicted, guilty of the like offence and is liable, on conviction, to the punishment provided for the offence, upon proof that the act or omission constituting the offence took place with his knowledge or consent or that he failed to exercise due diligence to prevent the commission of such offence. Responsibility of resident applicants for non-resident permittees.

22. (1) Any proceeding in respect of an offence under this Act may be instituted, tried or determined at the place in Canada where the offence was committed or at the place Venue.

in Canada in which the person charged with the offence is, resides or has an office or place of business at the time of institution of the proceedings.

Where more
than one
offence.

(2) In any proceedings in respect of offences under this Act, an information may include more than one offence committed by the same person and all such offences may be tried concurrently and one conviction for any or all offences may be made, and no information, warrant, summons, conviction or other proceedings for such offences shall be deemed objectionable on the ground that it relates to two or more offences.

Evidence.

23. Where it appears from the original or a copy of a bill of lading, customs form, commercial invoice or other document (hereinafter called a "shipping document") that

(a) goods were shipped or sent from Canada or came into Canada,

(b) a person, as shipper, consignor or consignee, shipped or sent goods from Canada or brought goods into Canada, or

(c) goods were sent to a destination or person other than as authorized in any export or import permit relating to the goods,

the shipping document is admissible in evidence in any prosecution under this Act in respect of those goods and is *prima facie* proof of any of the facts set out in paragraph (a), (b) or (c) appearing therefrom.

GENERAL.

Customs
officers'
duties

24. All officers, as defined in the *Customs Act*, before permitting the export or import of any goods, shall satisfy themselves that the exporter or importer, as the case may be, has not violated any of the provisions of this Act or the regulations and that all requirements of this Act and the regulations with reference to those goods have been complied with.

Application
of powers
under the
Customs Act.

25. All officers, as defined in the *Customs Act*, have, with respect to any goods to which this Act applies, all the powers they have under the *Customs Act* with respect to the importation and exportation of goods, and all the provisions of that Act and the regulations thereunder respecting search, detention, seizure, forfeiture and condemnation apply, *mutatis mutandis*, to any goods that are tendered for export or import or exported or imported or otherwise dealt with contrary to this Act and the regulations and to all documents relating to such goods.

26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year. Report to Parliament.

27. This Act shall expire on the 31st day of July, 1957. Duration.

28. The *Export and Import Permits Act*, chapter 104 of the Revised Statutes of Canada, 1952, is repealed. Repeal.

29. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 28.

An Act to establish an Account for the Replacement of Government Property Lost, Destroyed or Damaged through Fire.

[Assented to 31st March, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Fire Losses Replacement Account Act*. Short title.

2. In this Act,

Definitions.
"Account."

(a) "Account" means the Fire Losses Replacement Account established by this Act;

(b) "appropriate Minister" in relation to a department means the Minister who, under the *Financial Administration Act*, is the appropriate Minister in relation to that department; "Appropriate Minister."

(c) "department" means

"Department."

(i) a department as defined in section 2 of the *Financial Administration Act*, except any such department or portion thereof excluded by regulation, and

(ii) a Crown corporation named in Schedule C to the *Financial Administration Act* and designated by regulation as a department for the purposes of this Act; and

(d) "property" means real or personal property.

"Property."

3. This Act applies to and in respect of property under the administration or control of a department. Application of Act.

4. Subject to this Act, the Minister of Finance may, with the approval of the Treasury Board, advance out of the Consolidated Revenue Fund such amounts as are Advances out of C.R.F. for fire losses.

required for expenditures to restore, rebuild or repair any property lost, destroyed or damaged by or in consequence of a fire.

Advances
to be charged
to Account.

5. There shall be established in the Consolidated Revenue Fund an account, to be known as the Fire Losses Replacement Account, and every advance out of the Consolidated Revenue Fund under section 4 shall in the first instance be entered as a charge against the Account.

Advances
charged to
appropriations
deleted from
Account.

6. If, during the fiscal year in which an advance for an expenditure was made under section 4, an appropriation is available for the expenditure, the amount of the advance may be charged against that appropriation, and when so charged shall be deleted from the charges against the Account.

Advances
not charged to
appropriations
to be included
in Estimates.

7. (1) All advances in a fiscal year for expenditures under section 4 not charged against appropriations for that fiscal year shall be included in Estimates for the following fiscal year submitted by the appropriate Ministers to the Governor in Council.

Charged to
subsequent
appropriations
and deleted
from
Account.

(2) Any advance for an expenditure under section 4 not charged against an appropriation during the fiscal year in which the advance was made, may be charged against any subsequent appropriation available for that purpose, and an expenditure so charged shall be deleted from the charges against the Account.

Limit of
advances.

8. An advance under section 4 shall not be greater than the amount by which five million dollars exceeds the aggregate of all amounts standing as a charge against the Account.

Regulations.

9. The Treasury Board may make regulations for carrying out the purposes and provisions of this Act, and without limiting the generality of the foregoing, may make regulations

- (a) defining the extent and nature of the restoration, rebuilding or repairing of property for which advances may be made under section 4;
- (b) excluding from the operation of this Act any losses below a minimum amount, or above a maximum amount;
- (c) excluding any property or class of property from the operation of this Act;
- (d) defining and determining the circumstances in which property shall for the purposes of this Act be deemed to have been lost, destroyed or damaged by or in consequence of a fire; and

(e) requiring departments as defined in section 2 of the *Financial Administration Act*, and Crown corporations named in Schedule C to that Act to report to the Treasury Board all cases where any property under the administration or control of such departments and Crown corporations was lost, destroyed or damaged by or in consequence of a fire.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 29.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1955.

[Assented to 27th May, 1954.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble.
the Right Honourable Vincent Massey, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1955, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as the *Appropriation Act*, Short title.
No. 3, 1954.

2. From and out of the Consolidated Revenue Fund, \$263,003,811
granted for
1954-55.
there may be paid and applied a sum not exceeding in the whole two hundred and sixty-three million, three thousand, eight hundred and eleven dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1954, to the 31st day of March, 1955, not otherwise provided for, and being one-twelfth of the amount of each of the items to be voted set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1955, as laid before the House of Commons at the present session of Parliament.

3. From and out of the Consolidated Revenue Fund, \$1,413,731.92
granted for
1954-55.
there may be paid and applied, in addition to the amount

granted therefor by section 2 of this Act, a sum not exceeding in the whole one million, four hundred and thirteen thousand, seven hundred and thirty-one dollars and ninety-two cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1954, to the 31st day of March, 1955, not otherwise provided for, and being one-twelfth of the amount of the items to be voted set forth in the Schedule to this Act.

Account
to be
rendered.
R.S., c. 116.

4. Sums expended under the authority of this Act shall be accounted for in the Public Accounts in conformity with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Main Estimates, 1954-55. The amount hereby granted is \$1,413,731.92, being one-twelfth of the amount of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1955, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	EXPERIMENTAL FARMS SERVICE		
19	Branch Experimental Farms, Sub-Stations and Illustration Stations— Operation and Maintenance.....	6,351,995	
	LEGISLATION		
	THE SENATE		
199	General Administration.....	453,249	
	HOUSE OF COMMONS		
202	General Administration—Estimates of the Clerk.....	1,250,777	
203	Estimates of the Sergeant-at-Arms.....	726,540	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GEOLOGICAL SURVEY OF CANADA		
218	Geological Surveys— Administration, Operation and Maintenance, including the expenses of the National Advisory Committee on Research in the Geological Sciences, an amount of \$1,500 for Canada's share of the cost of the Committee on Mineral Resources and Geology, London, England, and an amount of \$25,000 for Grants in aid of Geological Research in Canadian Universities.....	2,235,425	
	SURVEYS AND MAPPING BRANCH		
221	Topographical Surveys, including expenses of the Canadian Board on Geographical Names— Administration, Operation and Maintenance.....	1,580,845	
223	Canadian Hydrographic Service— Administration, Operation and Maintenance, including Canada's Annual Contribution of \$5,300 to the International Hydrographic Bureau.....	2,617,873	
225	Geodetic Survey of Canada— Administration, Operation and Maintenance.....	527,613	
227	International Boundary Commission.....	69,481	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS— <i>Concluded</i>		
	A—DEPARTMENT— <i>Concluded</i>		
	GEOGRAPHICAL BRANCH		
231	Geographical Branch—Administration, Operation and Maintenance, including a Grant of \$250 to the Canadian Association of Geographers.....	283,385	
	TRADE AND COMMERCE		
	EXHIBITIONS		
431	Canadian International Trade Fair, including authority to refund, from revenue, deposits received for contracts for space	867,600	
			*16,964,783

* Net Total \$1,413,731.92.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 30.

An Act to amend the Department of Transport Act.

[Assented to 27th May, 1954.]

HER Majesty, by and with the advice and consent of R. S., c. 79.
the Senate and House of Commons of Canada, enacts
as follows:

1. The *Department of Transport Act*, chapter 79 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after section 6 thereof, the following section:

“6A. (1) Notwithstanding anything in any Act, the Governor in Council may make regulations for the purpose of ensuring the prompt, efficient and orderly transport, by means of ships or by a company to which the *Railway Act* applies, of goods in bulk and, without restricting the generality of the foregoing, may make regulations respecting:

Control of
transport of
goods in
bulk.

- (a) the use, operation or supply of transport and storage facilities;
- (b) the quantities of any goods in bulk to be transported or stored, either generally or with reference to any particular goods, persons, time, place or facilities, including priorities respecting transport and storage;
- (c) the information to be furnished by persons dealing in or with transport or storage facilities or goods in bulk;
- (d) the appointment of one or more controllers and one or more deputy controllers to carry out the provisions of this section and any regulations made thereunder, including the payment of their remuneration; and
- (e) the penalties to be imposed either upon summary conviction or upon conviction on indictment for violation of any regulation made under this section, but such penalties shall not in the case of summary conviction exceed a fine of five hundred dollars or

imprisonment for a term of six months or both such fine and imprisonment, and in the case of conviction on indictment, a fine of five thousand dollars or imprisonment for a term of five years or both such fine and imprisonment.

"Goods in bulk" defined.

(2) In this section "goods in bulk" includes

- (a) grain and grain products,
- (b) ores and minerals (crude, screened, sized, refined or concentrated, but not otherwise processed),
- (c) ferrous metals,
- (d) iron and steel scrap,
- (e) sand, stone and gravel,
- (f) pulpwood, woodpulp, poles and logs,
- (g) coal and coke, and
- (h) sulphur and phosphate.

Duration.

(3) This section shall expire on the 31st day of May, 1956."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 31.

An Act to amend the Radio Act.

[Assented to 27th May, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R. S., c. 233,
1952-53, c. 48.

1. Subsection (4) of section 7 of the *Radio Act*, chapter 233 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“(4) The Governor in Council may, by regulation and Exemptions.
on such terms and conditions as he may prescribe, exempt from the operation of this section,

(a) a person who

(i) is employed as a radio operator on a radio station in Canada;

(ii) holds a valid Canadian certificate of proficiency, or other authority to operate a radio station issued by the Minister, or an equivalent certificate or authority issued by the country of which he is a citizen; and

(iii) is a citizen of a country that grants reciprocal permission to Canadian citizens to be employed as radio operators in that country or is a landed immigrant within the meaning of the *Immigration Act*; and

(b) a person who is employed as a radio operator on a radio station in Canada by the government of another country or any agency thereof in consequence of a joint defence arrangement with the Government of Canada.”

2-3 ELIZABETH II.

CHAP. 32.

An Act to amend the Representation Act.

[Assented to 27th May, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph 15 of that Part of the Schedule to the *Representation Act*, chapter 334 of the Revised Statutes of Canada, 1952, dealing with the description of the electoral districts in the Province of Saskatchewan, which describes the Electoral District of Swift Current, is amended by substituting for the words: "SWIFT CURRENT", the words: "SWIFT CURRENT-MAPLE CREEK" at the beginning of the said description.

Swift Current-
Maple Creek.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 33.

An Act to amend the Bank of Canada Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of R.S., c. 13.
the Senate and House of Commons of Canada, enacts
as follows:—

1. Section 2 of the *Bank of Canada Act*, chapter 13 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

- | | |
|---|--------------------|
| "2. In this Act, | Definitions. |
| (a) "Bank" means the Bank of Canada; | "Bank." |
| (b) "Board" or "Board of Directors" means the Board of Directors of the Bank of Canada; | "Board." |
| (c) "chartered bank" means a bank to which the <i>Bank Act</i> applies; | "Chartered bank." |
| (d) "Deputy Governor" in sections 5, 6, 8, 14, 27 and 28, means the Deputy Governor appointed under section 6; | "Deputy Governor". |
| (e) "director" means a member of the Board of Directors other than the Governor or the Deputy Governor or the member acting by virtue of subsection (2) of section 5; | "Director." |
| (f) "Governor" means the Governor of the Bank of Canada or the person acting for him pursuant to this Act; | "Governor." |
| (g) "Minister" means the Minister of Finance; and | "Minister." |
| (h) "notes" means notes of the Bank of Canada payable to bearer on demand and intended for circulation." | "Notes." |

2. Sections 5 to 9 of the said Act are repealed and the following substituted therefor:

"MANAGEMENT.

Board of Directors.

"5. (1) The Bank shall be under the management of a Board of Directors composed of a Governor, a Deputy Governor and twelve directors appointed in accordance with this Act.

Deputy Minister of Finance to be member of Board.

(2) In addition to the members of the Board as constituted by subsection (1), the Deputy Minister of Finance, or, if he is absent or unable to act or the office is vacant, such other officer of the Department of Finance as the Minister may nominate, is a member of the Board but he does not have the right to vote.

Governor and Deputy Governor

"6. (1) The Governor and Deputy Governor shall be appointed by the directors with the approval of the Governor in Council.

Qualifications of Governor and Deputy Governor.

(2) The Governor and Deputy Governor shall be men of proven financial experience and each shall devote the whole of his time to the duties of his office under this Act or under any other Act of Parliament.

Tenure and remuneration of Governor and Deputy Governor.

(3) The Governor and Deputy Governor

(a) shall each be appointed for a term of seven years during good behaviour;

(b) are eligible for re-appointment on the expiry of their terms of office; and

(c) subject to the approval of the Governor in Council, shall be paid such salaries as the directors from time to time determine, but no such remuneration shall be in the form of a commission or be computed by reference to the income or profits of the Bank.

Disqualifications of Governor and Deputy Governor.

(4) No person is eligible to be appointed or to continue as Governor or Deputy Governor who

(a) is not a Canadian citizen;

(b) is a member of the Senate or House of Commons of Canada or a member of a provincial legislature;

(c) is employed in any capacity in the public service of Canada or of any province of Canada or holds any office or position for which any salary or other remuneration is payable out of public moneys;

(d) except as authorized by or under any Act of Parliament, is a director, officer or employee of any other bank or financial institution or has an interest as a shareholder in any other bank or financial institution; or

(e) has reached the age of seventy-five years.

Deputy Governors appointed by Board.

"7. (1) The Board may appoint one or more Deputy Governors who shall perform such duties as are assigned to them by the Board.

Not members of Board.

(2) A Deputy Governor appointed under this section is not a member of the Board.

"8. (1) The Governor of the Bank is the chief executive officer of the Bank and on behalf of the Board has the direction and control of the business of the Bank with authority to act in connection with the conduct of the business of the Bank in all matters that are not by this Act or by the by-laws of the Bank specifically reserved to be done by the Board or by the Executive Committee. Powers of Governor.

(2) If the Governor is absent or unable to act or the office is vacant, the Deputy Governor has and may exercise all the powers and functions of the Governor. Absence, etc., of Governor.

(3) The Board may authorize one of the members of the Board or one of the persons appointed under section 7 to act as the Governor for the time being in the event that the Governor and Deputy Governor are absent or unable to act or the offices are vacant, but no such person has authority to act as Governor for a period exceeding one month without the approval of the Governor in Council. Absence, etc., of Governor and Deputy.

"9. (1) The Minister, with the approval of the Governor in Council, shall as of the 1st day of March in each year appoint directors for terms of three years each to the offices of director then vacant. Directors.

(2) Where a person ceases to be a director during the term for which he was appointed, the Minister shall, with the approval of the Governor in Council, appoint a qualified person to hold office for the remainder of the term. Vacancy.

(3) In the transaction of the business of the Bank each director has one vote. Votes.

(4) A director on the expiration of his term of office is eligible for re-appointment." Re-appointment.

3. Subsection (2) of section 10 of the said Act is amended by repealing all the words therein before paragraph (b) thereof and substituting therefor the following:

"(2) No person is eligible to be appointed or to continue as director who Disqualifications.

(a) is not a Canadian citizen ordinarily resident in Canada,"

4. Section 11 of the said Act is repealed and the following substituted therefor:

"11. The directors are entitled to receive for attendance at directors' meetings and Executive Committee meetings such fees as may be fixed by the by-laws of the Bank, but the aggregate amount of the fees paid to all directors exclusive of expenses shall not exceed thirty thousand dollars in any year." Directors' fees.

5. Subsections (2), (3), (4) and (5) of section 13 of the said Act are repealed and the following substituted therefor:

Deputy
Minister of
Finance to
be member of
Executive
Committee.

"(2) In addition to the members of the Executive Committee as constituted by subsection (1), the person who is a member of the Board by virtue of subsection (2) of section 5 is a member of the Executive Committee, but he does not have the right to vote.

"(3) The Executive Committee is competent to deal with any matter within the competence of the Board and shall keep minutes of its proceedings, which shall be submitted to the Board at its next meeting."

6. (1) Subsections (2) to (6) of section 15 of the said Act are repealed and the following substituted therefor:

Salaries of
employees
appointed
from the
civil
service.

"(2) The salary to be paid by the Bank to an officer, clerk or employee appointed prior to the coming into force of this subsection who at the date of his appointment was employed in the civil service of Canada shall be at a rate not less than the rate he was then receiving in the civil service.

"(3) The Board may by by-law establish a pension fund for the officers, clerks and employees of the Bank and their dependants, and may contribute to it out of the funds of the Bank; and such pension fund, including the contributions thereto under the *Industrial Development Bank Act*, shall be invested in such manner as may be provided by by-law."

Saving

(2) The repeal, by subsection (1) of this section, of subsections (3) and (4) of section 15 of the said Act does not affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the said subsections (3) and (4) prior to the coming into force of this Act.

7. Section 18 of the said Act is repealed and the following substituted therefor:

"18. (1) The Bank may

(a) buy and sell gold, silver, nickel and bronze coin and gold and silver bullion;

Exchange

(b) effect transfers of funds by telegram, letter or other method of communication, and buy and sell transfers effected by such means, trade acceptances, bankers' acceptances, bankers' drafts and bills of exchange drawn in or on places outside of Canada and having a maturity not exceeding ninety days, excluding days of grace, from the date of acquisition by the Bank;

Canadian and
provincial
securities.

(c) buy and sell securities issued or guaranteed by Canada or any province;

United
Kingdom
securities.

(d) buy and sell short-term securities issued by the United Kingdom having a maturity not exceeding six months from the date of acquisition by the Bank;

United States
treasury
bills.

(e) buy and sell treasury bills or other obligations of the United States of America;

- (f) buy and sell bills of exchange and promissory notes Discounts.
 endorsed by a chartered bank drawn or issued in connection with the production or marketing of goods, wares and merchandise as defined in the *Bank Act*, excepting those mentioned in paragraph (g), and having a maturity not exceeding ninety days, excluding days of grace, from the date of acquisition by the Bank;
- (g) buy and sell bills of exchange and promissory notes endorsed by a chartered bank, drawn or issued in connection with the production or marketing of products of agriculture, products of the forest, products of the quarry and mine, or products of the sea, lakes and rivers, as defined in the *Bank Act*, and having a maturity not exceeding one hundred and eighty days excluding days of grace from the date of acquisition by the Bank;
- (h) make loans or advances for periods not exceeding Loans and advances.
 six months to chartered banks or to banks to which the *Quebec Savings Banks Act* applies on the pledge or hypothecation of the classes of securities mentioned in the preceding paragraphs of this subsection, bills of exchange or promissory notes, or of Canadian municipal securities, or of securities issued by a school corporation or parish trustees, or of securities issued pursuant to the statutes of a province making provision for the payment thereof and the interest thereon by the province, or of mortgages or hypothecs, or of gold or silver coin or bullion or documents of title relating thereto;
- (i) make loans or advances for periods not exceeding six months to the Government of Canada or the government of any province on the pledge or hypothecation of readily marketable securities issued or guaranteed by Canada or any province;
- (j) make loans to the Government of Canada or the government of any province, but such loans outstanding at any one time shall not, in the case of the Government of Canada, exceed one-third of the estimated revenue of such government for its fiscal year, and shall not in the case of any provincial government exceed one-fourth of such government's estimated revenue for its fiscal year; and such loans shall be repaid before the end of the first quarter after the end of the fiscal year of such government;
- (k) for the purpose of its open-market operations, Open-market operations.
 buy and sell in the open market from or to any person, either in or outside of Canada, securities, cable transfers, bankers' acceptances, and bills of exchange of the kinds and maturities defined in, and subject to the

limitations, if any, contained in, paragraphs (b), (c), (d), (e), (f) and (g) with or without the endorsement of a chartered bank;

- Deposits. (l) accept from the Government of Canada, from the government of any province, from any chartered bank or from any bank to which the *Quebec Savings Banks Act* applies, deposits, which shall not bear interest;
- (m) open accounts in a central bank in any other country or in the Bank for International Settlements and act as agent, depository or correspondent of central banks in other countries, the Bank for International Settlements, the International Monetary Fund and the International Bank for Reconstruction and Development;
- Real estate (n) acquire by purchase or lease and hold real or immovable property for the actual use and occupation of the Bank in connection with its business and sell and dispose of the same;
- Alteration of minimum cash reserve of chartered banks. (o) alter the percentage of the deposit liabilities of chartered banks payable in Canadian currency that chartered banks are required by the *Bank Act* to maintain as a minimum average cash reserve during any month, but so that the percentage is not less than eight and not more than twelve; the Bank shall, not less than one month before the month in which any such alteration becomes effective, publish a notice of the alteration in the *Canada Gazette*, and the Bank shall not in any month increase the percentage by more than one;
- Unclaimed deposits, etc. (p) accept deposits of money that by the *Bank Act* or the *Quebec Savings Banks Act* are authorized or required to be transferred to the Bank, and, in accordance with the said Acts, pay interest on money so deposited and pay out money to any person entitled thereto under the said Acts; and
- Incidental powers (q) do any other banking business incidental to or consequential upon the provisions of this Act and not prohibited by this Act.
- Acquisition of collateral securities. (2) The Bank may acquire from any chartered bank and hold any warehouse receipt, bill of lading and other security, held by such chartered bank pursuant to the provisions of the *Bank Act*, as security for the repayment of any bill of exchange or promissory note acquired by the Bank under subsection (1); and the Bank may exercise every right and remedy in respect of such security as could have been exercised by the chartered bank.
- Publication of minimum interest rates on loans. (3) The Bank shall at all times make public the minimum rate at which it is prepared to make loans or advances.
- Prescription of unpaid claims. (4) The Bank is not liable, and no action shall be taken, for or in respect of any unpaid debt or instrument in respect of which a chartered bank, or a bank to which the *Quebec*

Savings Banks Act applies, has made a payment to the Bank under the *Bank Act* or the *Quebec Savings Banks Act*, or any claim against a liquidator in respect of the winding-up of a chartered bank the amount of which claim has been paid to the Minister and by the Minister to the Bank under the *Bank Act*, if the amount paid to the Bank was less than ten dollars, and

(a) in the case of a debt, the aggregate of

(i) the period immediately preceding the payment to the Bank during which no transaction took place on the books of the chartered bank, or bank to which the *Quebec Savings Banks Act* applies, and no statement of account was requested of or acknowledged to such bank by the former creditor, and

(ii) the period that has elapsed since the payment of the amount thereof to the Bank,

is not less than thirty years;

(b) in the case of an instrument, no payment has been made in respect thereof for a period of thirty years from the day it was issued or accepted; or

(c) in the case of a claim against a liquidator in respect of the winding-up of a chartered bank, a period of thirty years has elapsed since the last transaction took place on the books of the chartered bank or the last time a statement of account was requested of or acknowledged to the chartered bank by the former creditor, whichever is the later;

but an amount equal to the amount paid to the Bank in respect of the debt, instrument or claim shall, within two months after the end of the calendar year in which the said thirty-year period expired, be paid by the Bank without interest to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund, and the Bank may destroy all records relating to the debt, instrument or claim."

8. (1) Subsection (1) of section 21 of the said Act is repealed and the following substituted therefor:

"21. (1) The Bank has the sole right to issue notes payable to bearer on demand and intended for circulation in Canada and such notes shall be a first charge upon the assets of the Bank." Sole right of note issue.

(2) Subsection (6) of section 21 of the said Act is repealed.

9. Subsection (3) of section 22 of the said Act is repealed and the following substituted therefor:

"(3) The Bank is responsible for the redemption of notes payable to bearer on demand that were issued and outstanding on the 11th day of March, 1935, and immediately prior to that day constituted a direct liability of Canada, and such notes are and continue to be legal tender." Redemption of notes.

Idem

“(4) The Bank is responsible for the redemption of notes issued by any chartered bank prior to the 1st day of January, 1950, and intended for circulation in Canada.”

Reserve.

10. Subsections (1) and (2) of section 23 of the said Act are repealed and the following substituted therefor:

“**23.** (1) The Bank shall maintain a reserve against its outstanding notes and deposit liabilities consisting of its holdings of gold coin and bullion and foreign exchange, and, subject to section 25 of the *Currency, Mint and Exchange Fund Act* and subsection (3) of this section, the amount of the reserve held in the form of gold coin and bullion shall always be not less than twenty-five per cent of the outstanding notes and deposit liabilities of the Bank.

“Foreign
exchange”
defined.

(2) For the purposes of this section “foreign exchange” means

- (a) balances in pounds sterling, United States of America dollars and currencies that by law and in fact are convertible on demand at a fixed price into exportable gold, held in the Bank of England, the Federal Reserve Bank of New York, the Bank of International Settlements or a central bank in any country the currency of which is convertible as hereinbefore described,
 - (b) treasury bills or other obligations of the United Kingdom or the United States of America having a maturity not exceeding three months from the date of acquisition by the Bank, and
 - (c) bills of exchange having a maturity not exceeding ninety days, excluding days of grace, from the date of acquisition by the Bank, payable in pounds sterling, United States of America dollars or in a currency that by law and in fact is convertible on demand at a fixed price into exportable gold,
- less any liabilities of the Bank payable in the currency of the United Kingdom, the United States of America, or any country whose currency is by law and in fact convertible on demand at a fixed price into exportable gold.”

Repeal.

11. Section 24 of the said Act is repealed.

12. Section 28 of the said Act is repealed and the following substituted therefor:

Rest fund.

“**24.** The Bank shall establish a rest fund and after making such provision as the Board thinks proper for bad and doubtful debts, depreciation in assets, pension funds and all such matters as are properly provided for by banks, the ascertained surplus available from the operations of the Bank during each financial year shall be applied by the Board as follows:

- (a) if the rest fund of the Bank is less than the paid-up capital, one-third of such surplus shall be allocated to

the rest fund and the residue shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund;

(b) if the rest fund is not less than the paid-up capital, one-fifth of such surplus shall be allocated to the rest fund until the rest fund reaches an amount five times the paid-up capital and the residue shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund; and

(c) if the rest fund is not less than five times the paid-up capital the whole of such surplus shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund."

13. (1) Sections 29 and 30 of the said Act are respectively re-numbered as sections 25 and 26. Re-numbering.

(2) Subsection (1) of section 25 of the said Act, as re-numbered by this Act, is repealed and the following substituted therefor:

"**25.** (1) The Governor in Council shall, on the recommendation of the Minister, not later than the 31st day of January in each year, appoint two auditors eligible to be appointed as auditors of a chartered bank, but not being members of the same firm, to audit the affairs of the Bank, but if the same two persons or if members of the same two firms have been appointed under this section for two consecutive years, one such person or a member of his firm shall not be appointed for the period of two years next following the term for which he was last appointed." Appointment of auditors.

14. (1) Subsection (2) of section 26 of the said Act, as re-numbered by this Act, is repealed and subsection (3) thereof is re-numbered as subsection (2). Repeal and re-numbering.

(2) Subsections (4), (5) and (6) of the said section 26 are repealed and the following substituted therefor:

"(3) The Bank shall on or before the 7th day of each month make up and transmit to the Minister in the form of Schedule B a statement of its assets and liabilities on the last business day of the preceding month, and in addition shall provide in the form of Schedule C information regarding its investments in securities issued or guaranteed by Canada. Monthly statement of assets and liabilities.

"(4) Every return required under subsections (1) and (3) shall be accompanied by declarations, which shall be a part of the return, and the declarations, which shall be in the form set forth in Schedule B, shall be signed by the Chief Accountant or by the Acting Chief Accountant, and by the Governor or a Deputy Governor. Declarations.

"(5) The Governor in Council may from time to time as he deems necessary amend the form of Schedules B and C. Power to amend Schedules.

Publication
of
statements.

“(6) A copy of each statement required under subsections (1) and (3) shall be published in the next succeeding issue of the *Canada Gazette*.”

Re-
numbering

15. (1) Section 31 of the said Act is re-numbered as section 27.

(2) Subsections (2) and (3) of section 27 of the said Act, as re-numbered by this section, are repealed and the following substituted therefor:

Certified
statements
of accounts
to Minister.

“(2) Within two months after the end of each financial year the Bank shall transmit to the Minister a statement of its accounts for the financial year, in the form prescribed by the by-laws of the Bank, signed by the Governor or the Deputy Governor and the Chief Accountant or Acting Chief Accountant of the Bank, and certified by the auditors, together with such summary or report by the Governor as he may deem desirable or as may be required by the Minister, and a copy of the accounts so signed and certified shall forthwith be published in the *Canada Gazette*.

Report to
Parliament.

“(3) The Minister shall lay the copy of the accounts and Governor's report mentioned in subsection (2) before Parliament within fourteen days after the receipt thereof by him if Parliament is then sitting, or if Parliament is then not sitting, within fourteen days after the commencement of the next ensuing session.”

Repeal.

16. (1) Section 32 of the said Act is repealed and the following substituted therefor:

Holding office
when
ineligible.

“**28.** Every person who holds office or continues to hold office as a Governor, Deputy Governor or director of the Bank, knowing that he is not eligible for such office, is guilty of an indictable offence and liable to imprisonment for not more than three years and not less than three months.”

Renumbering

(2) Sections 33 to 36 of the said Act are respectively renumbered as sections 29 to 32.

Repeal.

17. Section 37 of the said Act is repealed.

Re-
numbering.

18. (1) Section 38 of the said Act is re-numbered as section 33.

Repeal and
re-lettering.

(2) Paragraph (a) of subsection (1) of section 33 of the said Act, as re-numbered by this section, is repealed and paragraphs (b) to (e) of the said subsection are respectively re-lettered as paragraphs (a) to (d).

Repeal and
substitution
of Schedules.

19. Schedule B to the said Act is repealed and Schedules B and C as set out in the Schedule to this Act are substituted therefor.

Coming into
force.

20. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

SCHEDULE B.
BANK OF CANADA

Statement of Assets and Liabilities

as at , 19 .

ASSETS—

- 1. GOLD COIN AND BULLION.....
- 2. FOREIGN EXCHANGE:
 - (a) Pounds Sterling and U.S.A. Dollars.....
 - (b) Other currencies.....Total.....
- 3. BILLS DISCOUNTED.....
- 4. ADVANCES TO:
 - (a) Government of Canada.....
 - (b) Provincial Governments.....
 - (c) Chartered and Savings Banks.....Total.....
- 5. BILLS BOUGHT IN OPEN MARKET
Not including Treasury Bills
- 6. INVESTMENTS
 - (a) Treasury Bills of Canada.....
 - (b) Other securities issued or guaranteed by Canada maturing within two years.....
 - (c) Other securities issued or guaranteed by Canada not maturing within two years.....
 - (d) Securities issued or guaranteed by a province of Canada
 - (e) Bonds and debentures issued by Industrial Development Bank.....
 - (f) Other securities.....Total.....
- 7. INDUSTRIAL DEVELOPMENT BANK:
Total Share Capital at cost.....
- 8. BANK PREMISES.....
- 9. ALL OTHER ASSETS.....

TOTAL.....

LIABILITIES—

- 1. CAPITAL PAID UP.....
- 2. REST FUND.....
- 3. NOTES IN CIRCULATION.....
- 4. DEPOSITS—
 - (a) Government of Canada.....
 - (b) Provincial Governments.....
 - (c) Chartered Banks...
 - (d) Other.....Total.....
- 5. LIABILITIES PAYABLE IN POUNDS
STERLING, U.S.A. DOLLARS AND
OTHER FOREIGN CURRENCIES:
 - (a) To Government of Canada.....
 - (b) To Others.....Total.....
- 6. ALL OTHER LIABILITIES.....

TOTAL.....

I declare that the foregoing return is correct according to the books of the Bank.

E.F.,

Chief Accountant (or acting Chief Accountant).

I declare that the foregoing return is to the best of my knowledge and belief correct, and shows truly and clearly the financial position of the Bank, as required by section 26 of the *Bank of Canada Act*.

Place this day of , 19 .

A.B.,

Governor (or Deputy Governor).

SCHEDULE C.

BANK OF CANADA

1. Maturity distribution of investments in securities issued or guaranteed by Canada not maturing within two years (item 6 (c) of Schedule B)

(a) Securities maturing in over 2 years but not over 5 years

(b) Securities maturing in over 5 years but not over 10 years

(c) Securities maturing in over 10 years

2. Total amount of securities included in items 6 (a), (b) and (c) of Schedule B held under purchase and resale agreements.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 34.

An Act to amend the Canadian Citizenship Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 33,
1952-53, c. 23.

1. Paragraph (a) of subsection (1) of section 10 of the *Citizenship Act*, chapter 33 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor: 1952-53, c. 23.

“(a) he has attained the age of twenty-one years, or he is the spouse of and resides in Canada with a Canadian citizen;”

2. Subsection (3) of section 44 of the said Act is repealed and the following substituted therefor:

“(3) Naturalization proceedings that were commenced under the *Naturalization Act* but not completed before the 1st day of January, 1947, may be continued as proceedings for a grant of a certificate of citizenship under this Act and, for this purpose, an application for naturalization under the *Naturalization Act* and regulations shall be deemed to have the same effect as an application for the grant of a certificate of citizenship under this Act.” Continuation
of proceedings
commenced
under the
Naturalization Act.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 35.

An Act to amend the Excise Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., cc. 99,
319;
1952-53,
c. 34.

1. (1) Section 171 of the *Excise Act*, chapter 99 of the Revised Statutes of Canada, 1952, is repealed.

(2) Sections 172 and 173 of the said Act are repealed and the following substituted therefor:

"172. There shall be imposed, levied and collected on every gallon of beer or malt liquor the duties of excise set out in the Schedule, which shall be paid to the collector as herein provided.

Duties.

"173. The duty hereby imposed upon beer or malt liquor shall be charged and computed in such manner as may be prescribed by departmental regulations."

Computation
of duty.

2. Section 175 of the said Act is repealed and the following substituted therefor:

"175. (1) Every licensed brewer who exports beer or malt liquor of his own manufacture is entitled to receive a drawback thereon equivalent to the duty imposed thereon, and the amount of the drawback shall be computed in such manner and by such means as are, from time to time, directed by departmental regulations in that behalf.

Drawback on
beer exported.

(2) No drawback under this section shall be allowed or paid unless the brewer claiming it has given at least two days' notice of his intention to export the beer on which it is claimed, and made such declaration as to the quantity thereof as is required by departmental regulations in that behalf.

Notice of
intention
to claim.

(3) For the purposes of this section and section 176, the delivery of beer or malt liquor

Transactions
deemed to
be exports.

(a) for use as ships' stores, or
 (b) to or for the use of any person or class of persons designated by the Governor in Council, under such conditions as the Governor in Council prescribes, shall be deemed to be an export."

3. Section 176 of the said Act is repealed and the following substituted therefor:

Regulations.

"176. (1) The Governor in Council may make such regulations as to him seem necessary for carrying into effect and enforcing the provisions of this Act respecting the operation of a licensed brewery, the information to be shown on containers, the keeping of records, the making of entries and returns, the sale or removal from a licensed brewery of beer for exportation and the collection of the duties hereby imposed.

Idem.

(2) Regulations made under this section may provide for the destruction, under excise supervision, of beer that has become unfit for use in a brewery before it has been shipped therefrom, and the refunding, in whole or in part, of the duty paid upon such beer."

4. Subsection (1) of section 180 of the said Act is repealed and the following substituted therefor:

Penalties.

"180. (1) Every brewer who
 (a) fails to keep any record or make any entry or return as required by departmental regulations,
 (b) removes beer or malt liquor from the vessels in which it is to be gauged before the quantity has been determined and assessed for duty,
 (c) adds any gallonage to beer or malt liquor after assessment of duty except under supervision of an officer,
 (d) evades or attempts to evade the payment of duties imposed by this Act, or any part thereof, or
 (e) fails to comply with any of the requirements of this Act or any departmental regulation,
 is liable to a penalty of not less than one thousand dollars or more than five thousand dollars and shall, in addition thereto, forfeit and pay for the use of Her Majesty, double the amount of excise duty, if any, that should have been paid by him under this Act."

R.S. c. 319, s.
12

5. Parts III and IV of the Schedule to the said Act are repealed and the following substituted therefor:

"III. BEER.

Upon all beer or malt liquor, per gallon thirty-eight cents, subject to an allowance for loss in production based on the duty assessed on beer or malt liquor produced, of

- (a) five per cent when yeast sediment is included, or
(b) three per cent when yeast sediment is not included.”

6. This Act shall be deemed to have come into force on the 7th day of April, 1954. Coming into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 36.

An Act to amend the International Rapids Power Development Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the R.S., c. 157.
Senate and House of Commons of Canada, enacts as
follows:

1. Paragraph (b) of section 4 of the *International Rapids Power Development Act*, chapter 157 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“(b) the provisions of the *St. Lawrence Development Act, 1952 (No. 2)* of the Province of Ontario respecting the expropriation or taking of lands or property for the works have effect as if enacted in this Act.”

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 37.

An Act to amend the Navigable Waters Protection Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 193

1. Subsection (1) of section 16 of the *Navigable Waters Protection Act*, chapter 193 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“16. (1) When, pursuant to this Part, the Minister has caused

(a) any signal or light to be placed and maintained to indicate the position of a vessel or part thereof or any other thing that, because of its wreck, sinking, lying ashore or grounding, caused or was likely to cause the navigation of any navigable water over which the Parliament of Canada has jurisdiction to become obstructed, impeded or rendered more difficult or dangerous,

(b) to be removed or destroyed any vessel or part thereof, wreck or any other thing that, because of its wreck, sinking, lying ashore or grounding, caused or was likely to cause the navigation of any such navigable water to become obstructed, impeded or rendered more difficult or dangerous, or

(c) to be removed or destroyed any vessel or part thereof, wreck or any other thing cast ashore, stranded or left upon any public property belonging to Her Majesty in right of Canada,

and the cost thereof has been defrayed out of public moneys of Canada, the amount of such cost, whether or not a sale has been held under section 15, constitutes a debt due to and recoverable by Her Majesty in right of Canada

Recovery by
Her Majesty
from owner,
etc., of costs
of placing
signals,
removing
wreck, etc.

- (d) from the owner, managing owner, master or person in charge of the vessel or other thing at the time of the wreck, sinking, partial sinking, lying ashore or grounding thereof, or
- (e) from any person through whose act or fault or through the act or fault of whose servant the sinking, partial sinking, lying ashore or grounding of the vessel or other thing was occasioned or continued."

2. The said Act is further amended by adding thereto the following Part:

"PART IV

INTERPRETATION.

33. In this Part,

Definitions.
"Canadian
ship."

(a) "Canadian ship" means a ship registered in Canada, and includes a ship owned, or operated under charter or lease, by a person who resides in Canada;

"Great
Lakes."

(b) "Great Lakes" means Lakes Ontario, Erie, Huron (including Georgian Bay), Michigan and Superior and their connecting waters and includes the St. Lawrence River as far east as the lowest exit of the Lachine Canal and the Victoria Bridge at Montreal; and

"Seaman."

(c) "seaman" means a person employed in any capacity on board a ship and includes the master of a ship.

GREAT LAKES NAVIGATION.

Regulations.

34. The Governor in Council may make such regulations as he considers necessary or desirable in the interests of the safety or security of Canada respecting the employment of seamen on board Canadian ships in the Great Lakes, and may prescribe the penalties to be imposed on summary conviction for violation of any regulation made under this section, but such penalties shall not exceed a fine of five hundred dollars or imprisonment for a term of three months or both fine and imprisonment.

Duration.

35. This Part shall continue in force for a period of three years from the day on which it came into force, and no longer."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 38.

An Act to amend the Opium and Narcotic Drug Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 2 of the *Opium and Narcotic Drug Act*, chapter 201 of the Revised Statutes of Canada, 1952, is amended by deleting the word “and” at the end of paragraph (m) thereof, and by adding thereto, immediately after the said paragraph (m), the following paragraph:

Definitions.

“(mm) “traffic” or “trafficking” means the importation, exportation, manufacture, sale, giving, administering, transportation, delivery or distribution by any person of a drug or any substance represented or held out by such person to be a drug, or the making of any offer in respect thereof, but does not include

“Traffic” or
“Traffick-
ing”.

(i) the importation or exportation of any drug by or on behalf of any person who has a licence therefor under section 3, or

(ii) the manufacture, sale, giving, administering transportation, delivery or distribution of a drug, or the making of any offer in respect thereof, by or on behalf of any person who has a licence therefor under section 3, or by or on behalf of a physician, dentist, veterinary surgeon or retail druggist for a medicinal purpose; and”

2. Paragraph (a) of subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

Licences.

“(a) issue licences for the import, export, sale, manufacture, production or distribution at a stated place of any drug, and the cultivation, gathering or production at a stated place of opium poppy (*Papaver Somniferum*) or *Cannabis Sativa*,”

Offences and penalties.

3. Section 4 of the said Act is repealed and the following substituted therefor:

Possession.

"4. (1) Every person, except

(a) a person who has a licence therefor under section 3,

(b) a physician, dentist, veterinary surgeon or retail druggist who is in possession of any drug for a medicinal purpose,

(c) a person who obtains the drug for a medicinal purpose from, or pursuant to a prescription of, a physician, dentist or veterinary surgeon,

(d) a person authorized by the Minister or the regulations to be in possession of the drug, or

(e) a person who is acting for any person mentioned in subparagraph (a), (b), (c) or (d),

who has in his possession any drug is guilty of an offence and is liable

(f) upon summary conviction to imprisonment for a term of not less than six months and not more than eighteen months, or

(g) upon conviction on indictment, to imprisonment for a term of not less than six months and not more than seven years,

Court not to impose less than minimum penalty.

and notwithstanding anything in the *Criminal Code* or in any other statute or law, the Court has no power to impose less than the minimum penalty prescribed in this subsection.

Cultivation, etc., of opium poppy.

(2) Every person, except a person who has a licence therefor under section 3 or a person who is acting for such a person, who cultivates, gathers or produces any opium poppy (*Papaver Somniferum*) or *Cannabis Sativa* is guilty of an offence and is liable

(a) upon summary conviction to imprisonment for a term not exceeding eighteen months; or

(b) upon conviction on indictment, to imprisonment for a term not exceeding seven years.

Trafficking.

(3) Every person

(a) who traffics in any drug or any substance represented or held out by such person to be a drug, or

(b) who has in his possession any drug for the purpose of trafficking,

is guilty of an offence and is liable, upon conviction on indictment, to imprisonment for a term not exceeding fourteen years and, in addition, at the discretion of the judge, to be whipped.

Procedure in prosecution for possession for trafficking.

(4) In any prosecution for an offence under paragraph (b) of subsection (3), the court shall, unless the accused pleads guilty to the charge, first make a finding as to whether or not the accused was in possession of the drug; if the court finds that he was not in possession of the drug, the court shall acquit him; if the court finds that the accused was in possession of the drug, the court shall give the accused an

opportunity of establishing that he was not in possession of the drug for the purpose of trafficking, and if the accused establishes that he was not in possession of the drug for the purpose of trafficking, he shall be acquitted of the offence as charged but shall, if the court finds that the accused was guilty of an offence under subsection (1), be convicted under that subsection and sentenced accordingly; and if the accused fails to establish that he was not in possession of the drug for the purpose of trafficking he shall be convicted of the offence as charged and sentenced accordingly."

4. Section 5 of the said Act is repealed and the following substituted therefor:

"5. (1) Subject to subsection (2), no person who has a licence under section 3 to deal in any drug shall supply a drug to any person. Licensed person not to supply drug.

(2) Notwithstanding subsection (1), a person who has a licence under section 3 to deal in any drug may, upon receiving a written order therefor dated and signed by a person who has a licence under section 3 to deal in the drug, a retail druggist, physician, dentist or veterinary surgeon or a person authorized by the regulations to purchase or be in possession of the drug, whose signature is known to the person receiving the order or, if unknown, then verified before the order is filled, supply a drug to such person. Exceptions.

(3) Subject to the regulations, no retail druggist shall supply a drug to any person except upon receiving a written order or prescription therefor dated and signed by a physician, dentist or veterinary surgeon whose signature is known to the druggist or, if unknown, then verified before the prescription is filled. Retail druggist not to supply drugs. Exceptions.

(4) No retail druggist shall use an order or prescription to supply a drug on more than one occasion. Retail druggist not to use order or prescription more than once.

(5) Every person who violates a provision of this section is guilty of an offence and is liable upon summary conviction to a fine of not less than two hundred dollars and not more than one thousand dollars or to imprisonment for a term not exceeding eighteen months or to both fine and imprisonment." Offence and penalty.

5. Section 7 of the said Act is repealed and the following substituted therefor: Section 13 does not apply to a physician. etc.

"7. Section 13 does not apply to a physician, veterinary surgeon, dentist, or retail druggist.

6. Subsection (1) of section 8 is amended by repealing all the words preceding paragraph (a) thereof and by substituting therefor the following:

"8. (1) Notwithstanding the provisions of sections 4, 5 and 6,"

7. Section 15 of the said Act is repealed and the following substituted therefor:

Onus of proof on charge of offence under section 4.

"15. In any prosecution for an offence under section 4, it is not necessary for the prosecuting authority to establish that the accused did not have a licence under section 3 or was not otherwise authorized to do the act complained of, and if the accused pleads or alleges that he had such licence or other authority the proof thereof lies upon the accused."

8. Section 17 of the said Act is repealed and the following substituted therefor:

Occupier, etc., deemed to be in possession when drugs found on premises.

"17. (1) Without limiting the generality of subsection (1) or paragraph (b) of subsection (3) of section 4, any person who occupies, controls, or is in possession of any building, room, vessel, vehicle, enclosure or place in or upon which any drug is found shall be deemed to be in possession thereof unless he proves that the drug was there without his authority, knowledge or consent.

Onus of proof that goods mentioned in section 11 were lawfully possessed on occupier when found on premises.

(2) Any person who occupies, controls, or is in possession of any building, room, vessel, vehicle, enclosure or place in or upon which any article mentioned in section 11 is found shall, if charged with having such article in possession without lawful authority, be deemed to have been so in possession, unless he proves that the article was there without his authority, knowledge or consent or that he was lawfully entitled to the possession thereof."

9. Subsection (1) of section 23 of the said Act is repealed and the following substituted therefor:

Regulations.

"23. (1) The Governor in Council may make regulations
(a) for the seizure of any article or thing that there is reason to believe is liable to forfeiture under this Act;
(b) for the use, purchase, sale or possession of any drug for medicinal or scientific purposes;
(c) for the revocation of licences;
(d) prescribing the form of prescriptions and specifying the drugs that may be sold by a retail druggist on the oral prescription of a physician, dentist or veterinary surgeon;
(e) directing the steps to be taken by a retail druggist before filling an oral prescription; and
(f) for carrying out the purposes and provisions of this Act."

Except in cases tried before two justices, no appeals in cases taken under section 4(1).

10. Section 25 of the said Act is repealed and the following substituted therefor:

"25. Except in cases tried before two justices of the peace, sections 749 to 760 and subsection (2) of section 769 of the *Criminal Code*, chapter 36 of the Revised Statutes of

Canada, 1927, do not apply to any conviction, order or proceedings in respect of any offence under subsection (1) or (2) of section 4 of this Act."

11. Section 27 of the said Act is repealed and the following substituted therefor:

"**27.** The *Identification of Criminals Act* applies to any person in lawful custody charged with, or under conviction of, an offence under subsection (1) or (2) of section 4, where the proceedings are by way of summary conviction."

Application
of *Identifi-
cation of
Criminals
Act.*

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 39.

An Act to amend the Post Office Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S.. c. 212,
1953-54, c. 20.

1. Paragraph (d) of subsection (1) of section 11 of the *Post Office Act*, chapter 212 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“(d) is posted by the publisher within

(i) the postal area in which the place of its office of publication is situated, or

(ii) some other postal area approved by the Postmaster General upon his being satisfied that the posting of the newspaper or periodical within such other postal area will promote greater convenience in the distribution thereof and that the application of this section to the newspaper or periodical when so posted will not adversely affect the postal revenues; and”

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 40.

An Act respecting Inventions by Public Servants.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Public Servants Inventions Act*. Short title.

INTERPRETATION.

2. In this Act,

- (a) "appropriate Minister" in relation to a public servant means the Minister who under the *Financial Administration Act* is the appropriate Minister with respect to the department in which the public servant is employed; Definitions.
"Appropriate Minister."
- (b) "department" means a department as defined in the *Financial Administration Act*, and includes a Crown Corporation named in Schedule C to that Act; "Department."
- (c) "public servant" means any person employed in a department, and includes a member of the Canadian Forces or the Royal Canadian Mounted Police Force; and "Public Servant."
- (d) "invention" means any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter. "Invention."

INVENTIONS VESTED IN THE CROWN.

3. The following inventions, and all rights with respect thereto in Canada or elsewhere, are vested in Her Majesty in right of Canada, namely, Inventions vested in Her Majesty.

(a) an invention made by a public servant

- (i) while acting within the scope of his duties or employment, or
- (ii) with facilities, equipment or financial aid provided by or on behalf of Her Majesty, and
- (b) an invention made by a public servant that resulted from or is connected with his duties or employment.

Duties of inventor.

4. (1) Every public servant who invents an invention
- (a) shall inform the appropriate Minister of the invention and shall furnish to him such information and documents with respect thereto as he requires;
 - (b) shall not file outside Canada an application for a patent in respect of the invention without the written consent of the appropriate Minister; and
 - (c) shall, in any application in Canada for a patent in respect of the invention, disclose in his application that he is a public servant.

Duties of Commissioner of Patents.

(2) If it appears to the Commissioner of Patents that an application for a patent relates to an invention made by a public servant, the Commissioner shall inform the appropriate Minister of the application and give to the Minister such information with respect thereto as the Minister requires.

Determination of questions by Minister.

5. (1) Whenever any question arises as to whether an invention is vested in Her Majesty by this Act, the appropriate Minister shall, within three months after the question is referred to him, determine the question.

Appeal to Exchequer Court.

(2) If the appropriate Minister determines that an invention is by this Act vested in Her Majesty, the inventor or other person claiming an interest in the invention may, within thirty days from the date the determination is notified to him or such longer period as the appropriate Minister may allow, appeal to the Exchequer Court.

Determination by Exchequer Court.

(3) If no determination is made by the appropriate Minister within the time specified in subsection (1) the inventor or any person claiming an interest in the invention may, within thirty days after the expiration of the time so specified, apply to the Exchequer Court to have the question determined.

Notice to inventor.

(4) Whenever the appropriate Minister has made a determination under this section he shall forthwith in writing notify the inventor thereof.

Application for patent.

6. Notwithstanding anything in the *Patent Act*, the appropriate Minister may file an application, naming the inventor, for a patent for an invention vested in Her Majesty by this Act, and any patent issued on such an application shall be issued in the name of Her Majesty or otherwise as directed by the appropriate Minister.

7. A public servant who has made an invention vested in Her Majesty by this Act shall execute all documents required by the appropriate Minister in connection with the filing of an application for a patent therefor in Canada or elsewhere.

Inventor
to execute
documents.

8. (1) The appropriate Minister may on behalf of Her Majesty waive, abandon or transfer all or any of the rights in respect of any invention vested in Her Majesty by this Act or in respect of any invention made or to be made by any public servant, and may execute any instrument to give effect thereto.

Waiver of
rights.

(2) No interest in an invention coming within section 20 or 21 of the *Patent Act* shall be waived, abandoned or transferred under this section without the approval of the Minister of National Defence, and no interest in an invention coming within section 22 of that Act shall be waived, abandoned or transferred under this section without the approval of the Atomic Energy Control Board.

Restrictions.

9. (1) The administration and control of any invention vested in Her Majesty by this Act and any patent issued with respect thereto are vested in the appropriate Minister, and the appropriate Minister may transfer such administration and control to any other Minister or to any corporate agency of Her Majesty.

Administra-
tion and
control of
inventions.

(2) The appropriate Minister or other Minister or agency referred to in subsection (1) may develop and exploit any invention under the administration and control of such Minister or agency, as the case may be, and may on behalf of Her Majesty enter into any agreement with any person for such purpose.

Development
and exploita-
tion.

(3) Notwithstanding anything in its charter or Act of incorporation, an agency to which the administration and control of any invention or patent is transferred under this section has the capacity and power to receive, hold, administer, control, develop and exploit the invention or patent and generally to carry out the provisions of this Act with respect thereto.

Authority of
Crown
agencies.

AWARDS.

10. Subject to the regulations, the appropriate Minister may authorize the payment of an award to a public servant who makes an invention that is vested in Her Majesty by this Act, in such amount as the appropriate Minister and the public servant may agree upon or as the appropriate Minister determines.

Awards.

PENALTIES.

11. Every person who violates subsection (1) of section 4 or section 7 is guilty of an offence and liable on summary

Penalties.

conviction to a fine of five hundred dollars or to imprisonment for a term of six months, or to both fine and imprisonment.

REGULATIONS.

Regulations. **12.** The Governor in Council may make regulations for carrying out the purposes and provisions of this Act, and without restricting the generality of the foregoing, may make regulations:

- (a) prescribing rules of practice and procedure respecting
 - (i) applications for patents pursuant to this Act,
 - (ii) the determination of questions whether an invention is vested in Her Majesty by this Act, and
 - (iii) any appeal or application under this Act to the Exchequer Court;
- (b) prescribing the information to be furnished in any application for a patent in respect of an invention made by a public servant; and
- (c) prescribing the amount of and the method of calculating and determining the awards to be paid under this Act and the manner and time of payment.

GENERAL.

Where two
Ministers
concerned.

13. (1) Where there are two or more appropriate Ministers with respect to any invention, any one of such appropriate Ministers may in relation to that invention act as the appropriate Minister under this Act.

Joint
inventions.

(2) This Act applies to the interest of a public servant in an invention made jointly by him and another person who is not a public servant.

Application.

14. This Act applies to

- (a) all inventions made after the 1st day of June, 1954, and
- (b) all inventions, whenever made, in respect of which an application for a patent is made in Canada after the 1st day of June, 1954.

Repeal.

15. Section 13 of the *Atomic Energy Control Act*, chapter 11 of the Revised Statutes of Canada, 1952, section 12 of the *National Defence Act*, chapter 184 of the Revised Statutes of Canada, 1952, section 47 of the *Patent Act*, chapter 203 of the Revised Statutes of Canada, 1952, and section 14 of the *Research Council Act*, chapter 239 of the Revised Statutes of Canada, 1952, are repealed.

Coming into
force.

16. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

2-3 ELIZABETH II.

CHAP. 41.

An Act respecting Savings Banks in the Province of Quebec.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as the *Quebec Savings Banks Act*. Short title.

INTERPRETATION.

2. In this Act,

- | | |
|---|---------------------------------|
| (a) "bank" means a bank to which this Act applies; | Definitions.
"Bank." |
| (b) "chartered bank" means a bank to which the <i>Bank Act</i> applies; | "Chartered bank." |
| (c) "district of Montreal" means the area in the Province of Quebec included in the judicial districts of Montreal, Hull, Pontiac, Temiscamingue, Terrebonne, Joliette, Labelle, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville and Beauharnois, as constituted at the coming into force of this Act; | "District of Montreal." |
| (d) "district of Quebec" means the area in the Province of Quebec included in the judicial districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Roberval, Nicolet, Gaspé, Bonaventure, Rimouski, Kamouraska, Montmagny, Beauce, Arthabaska, Abitibi and Rouyn-Noranda, as constituted at the coming into force of this Act; | "District of Quebec." |
| (e) "goods, wares and merchandise" means "goods, wares and merchandise" as defined in the <i>Bank Act</i> ; | "Goods, wares and merchandise." |
| (f) "Inspector" means the Inspector General of Banks appointed under the <i>Bank Act</i> ; | "Inspector." |
| (g) "Minister" means the Minister of Finance; | "Minister." |
| (h) "recorded address" means | "Recorded address." |
| (i) in relation to a person as a shareholder, his last known post office address according to the share register of the bank, and | |

(ii) in relation to a person in any other respect, his last known post office address according to the records of the branch concerned; and

"Securities."

(i) "securities" includes bonds, debentures and obligations, secured or unsecured, whether issued within or outside Canada, and rights in respect of such bonds, debentures and obligations, but does not include shares of capital stock of corporations or rights in respect of such shares.

Public
notice.
How given.

3. (1) Where by this Act any public notice is required to be given, the notice shall, unless otherwise specified, be given by publishing the notice in one or more newspapers published at the place where the head office of the bank is situate; and the notice shall be published in both the English and French languages.

Sufficiency of
publication.

(2) Where by this Act a notice is required to be published in a newspaper for four weeks or any longer period, publication each week in a weekly newspaper, or once a week during the period in a newspaper published more frequently, is a sufficient publication for the purposes of this Act.

Notice of
call.

(3) Where by this Act notice of any call is required to be given to the shareholders the notice is, unless otherwise specified, sufficiently given by mailing the notice, registered and post paid, to the recorded address of the respective shareholders at least thirty days prior to the day on which the call is payable.

APPLICATION.

Savings
Banks to
which Act
applies.

4. This Act applies to

- (a) The Montreal City and District Savings Bank, and
- (b) La Banque d'Economie de Québec, The Quebec Savings Bank.

CHARTERS.

Charters
continued.

5. The charter of each bank is continued.

Duration of
authority to
carry on
business.

6. Subject to this Act,

- (a) if Parliament sits on at least twenty days during the month of June, 1964, the bank may carry on the business of banking until the 1st day of July, 1964, and no longer, and
- (b) if Parliament does not sit on at least twenty days during the month of June, 1964, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer.

7. The provisions of the charter of the bank are inapplicable

Application of charter in event of inconsistency, etc.

(a) to the extent that there is any inconsistency between the provisions of the charter and the provisions of this Act, and

(b) in respect of any matter for which provision is made by this Act.

8. (1) The head office of The Montreal City and District Savings Bank shall be in the City of Montreal and the bank may open branches within the district of Montreal.

Head Office and branches of Montreal City and District Savings Bank.

(2) The Montreal City and District Savings Bank may carry on business pursuant to this Act under that name and under the name "La Banque d'Epargne de la Cité et du District de Montréal".

Alternate name.

9. (1) The head office of La Banque d'Economie de Québec, The Quebec Savings Bank, shall be in the City of Quebec and the bank may open branches within the district of Quebec.

Head office and branches of Quebec Savings Bank.

(2) La Banque d'Economie de Québec, The Quebec Savings Bank, may carry on business pursuant to this Act under that name and under the names

Alternate names.

(a) La Banque d'Economie de Québec, and

(b) The Quebec Savings Bank.

INTERNAL REGULATIONS.

Shareholders.

10. (1) Subject to this Act, the shareholders of the bank may make by-laws with respect to the following matters, namely:

By-laws.

(a) the day upon which the annual general meeting of the shareholders shall be held, which shall be a day not more than fifteen months after the holding of the last annual general meeting;

(b) the record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be produced and recorded prior to a meeting in order to entitle the holder to vote thereon;

(c) the number of the directors, which shall be not less than five, and the quorum thereof, which shall be not less than three;

(d) the qualifications of directors;

(e) the method of filling vacancies in the board of directors;

(f)

- (f) the time and proceedings for the election of directors in case of a failure of any election on the day appointed for it;
- (g) the remuneration of the president, vice-president and other directors;
- (h) the amount of discounts or loans that may be made to directors, either jointly or severally, or to any one person, or to any shareholder; and
- (i) the establishment of guarantee and pension funds for the officers and employees of the bank and their families, and the making of contributions thereto out of the funds of the bank.

When by-laws
may be made.

(2) By-laws authorized by this Act may be made by the shareholders at any annual general meeting or at any special general meeting duly called for the purpose.

Existing
by-laws
continued.

(3) Until it is otherwise prescribed by by-law under this Act, the by-laws of the bank with respect to any matter set out in subsection (1) remain in force.

Directors.

Manage-
ment.

11. The bank shall be under the management of a board of directors elected or appointed in accordance with this Act.

Qualification.

12. A person is not eligible to be a director unless he holds stock of the bank as the absolute and sole owner thereof in his individual right and not as trustee or in the right of another, on which not less than five thousand dollars have been paid up.

Election of
directors.

13. (1) The directors shall be elected by the shareholders at the annual general meeting.

At head
office.

(2) The election shall take place at the place where the head office of the bank is situate.

Notice.

(3) Public notice of the annual general meeting shall be given by the directors by publishing the notice, for at least four weeks prior to the time of holding the meeting, in a newspaper published at the place where the head office of the bank is situate, and by mailing a copy of the notice to each shareholder at his recorded address at least twenty days prior to the time of holding the meeting.

Who shall be
directors.

(4) The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be the directors, but if at any election two or more persons have an equal number of votes, and there are not sufficient vacancies remaining in the board of directors to enable all

the persons having an equal number of votes to be elected, the directors who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the persons so having an equal number of votes shall be a director or directors.

Equality
of votes.

14. (1) The shareholders may, at any special general meeting of the shareholders called for the purpose, remove any director.

Removal of
director.

(2) A director ceases to be a director if

(a) he ceases to fulfil the requirements of section 12 with respect to holdings of stock, or

(b) he becomes insolvent, or makes an assignment for the benefit of his creditors, or absents himself, without the consent of the board for twelve consecutive months from the meetings of the directors, or is convicted of an indictable offence.

Disqualifi-
cation of
director.

15. (1) The directors shall elect by ballot from their number, a president and one or more vice-presidents.

Election of
president and
vice-
president.
To remain
directors.

(2) A person elected to an office under this section ceases to hold that office if he ceases to be a director.

16. (1) Where a vacancy occurs in the board of directors, it shall be filled in the manner prescribed in the by-laws.

Filling of
vacancies

(2) A vacancy in the board of directors does not impair the right of the remaining directors to act.

Power of
remainder
to act.

17. When a vacancy occurs in the office of the president or vice-president, the directors shall, from their number, elect a president or a vice-president.

Vacancy in
presidency
or vice-
presidency.

18. Where an election of directors is not made on the day appointed for that purpose, the election may take place on any other day, according to the by-laws, and, subject to this Act, the directors in office on the day appointed for the election of directors remain in office until new directors are elected or appointed.

Postponed
elections.

19. (1) The president, or in his absence, a vice-president, shall preside at all meetings of the directors.

Meetings of
directors.

(2) Where at any meeting of the directors the president and vice-president are absent, one of the directors present, chosen to act *pro tempore*, shall preside.

Temporary
chairman.

(3) The person so presiding has a vote as a director, and if there is an equal division on any question, also has a casting vote.

Casting vote.

20. (1) The directors shall administer the affairs of the bank and may make by-laws with respect to any matter

General
powers of
directors

except a by-law increasing the aggregate of the amounts, fixed by a shareholders' by-law, to be paid to the president, vice-president and other directors as remuneration.

Confirmation
of directors'
by-laws.

(2) Subject to subsection (3), where a by-law made under subsection (1) provides for a matter that the shareholders may provide for by by-law, the by-law, to the extent that it so provides, ceases to have effect at the conclusion of the annual general meeting of the shareholders next ensuing after it is made unless it is confirmed by the shareholders.

Idem.

(3) Where a special general meeting, called for the purpose of confirming a by-law made under subsection (1) or called for that and any other purpose, is held before the next following annual general meeting, the by-law ceases to be in force at the date of the special general meeting unless it is confirmed at that special general meeting, and subsection (2) does not apply to a by-law that is so confirmed.

Existing
by-laws
continued.

(4) All by-laws of the bank lawfully made and in force with regard to any matter respecting which the directors may make by-laws under this section, remain in force until they are repealed or altered by other by-laws made under this Act.

Appointment
of officers and
employees.

21. (1) The directors may appoint as many officers and employees as they consider necessary for carrying on the business of the bank, and may authorize any officer of the bank to make such of these appointments as they may deem expedient.

Salaries.

(2) Officers and employees appointed under subsection (1) may be paid such salaries and allowances as the directors or appointing officer determine.

Meetings of Shareholders.

Special
general
meetings.

22. A special general meeting of the shareholders of the bank may be called at any time by

- (a) the directors of the bank or any four of them, or
- (b) any number not less than twenty-five of the shareholders, acting by themselves or by their proxies, who are together owners of at least one-tenth of the paid-up capital stock of the bank;

the directors or shareholders shall give six weeks' previous public notice of the meeting, specifying therein the object of the meeting, and the meeting shall be held at the place where the head office of the bank is situate.

One vote
for each
share.

23. (1) Every shareholder has, on all occasions on which the votes of the shareholders are taken, one vote for each share held by him for at least ninety days immediately before the time of the meeting.

(2) In all cases where the votes of the shareholders are taken, the voting shall be by ballot. Ballot

(3) All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes of the shareholders present or represented by proxy. Majority to determine.

(4) The chairman elected to preside at any meeting of the shareholders shall vote as a shareholder only, unless there is a tie, in which case, except as to the election of a director, he has a casting vote. Casting vote.

(5) Where two or more persons are joint holders of shares, any one of the joint holders may be authorized, by power of attorney from the other joint holder or holders, or a majority of them, to represent the shares and to vote accordingly. Joint holders of shares.

(6) Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to vote or act as proxy. Proxies.

(7) Neither the general manager nor any officer or employee subordinate to the general manager shall hold a proxy for the purpose of voting. Idem.

(8) No shareholder shall vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors that are then due and payable. Calls must be paid before voting.

CAPITAL STOCK.

24. Subject to section 25,

- (a) the authorized capital stock of The Montreal City and District Savings Bank is two million dollars divided into shares of ten dollars each, and Capital stock.
- (b) the authorized capital stock of La Banque d'Economie de Quebec, The Quebec Savings Bank, is one million dollars divided into shares of ten dollars each.

25. (1) The authorized capital stock of the bank may be increased by by-law of the shareholders. Increase of capital.

(2) No by-law under this section comes into operation or has force or effect until a certificate approving thereof has been issued by the Treasury Board. Approval of Treasury Board.

(3) No certificate shall be issued by the Treasury Board under subsection (2) unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Treasury Board that a copy of the by-law, together with notice of intention to apply for the certificate, has been published for at least four weeks in the *Canada Gazette*, and in one or more newspapers published in the place where the head office of the bank is situate. Conditions for approval

Treasury
Board
may refuse.

(4) Nothing in this section shall be construed to prevent the Treasury Board from refusing to issue the certificate.

Offer
of shares
of capital
stock.

26. Any of the original unsubscribed capital stock or of the increased capital stock shall be offered to the persons who are shareholders when the offer is made, pro rata, at such price not less than par, at such time and on such terms as the directors determine, except that

- (a) the price of the stock shall be paid in money,
- (b) payment shall not be required in greater amounts or at shorter intervals than ten per cent of the price every thirty days,
- (c) the directors shall not fix a price that would make the premium, if any, payable on the stock so offered, greater in relation to the par value of the stock than the rest account then is in relation to the paid-up capital stock,
- (d) no share need be offered to a shareholder whose recorded address is in a country outside Canada, where, to the knowledge of the directors, the offer ought not to be made unless the appropriate authority in that country is furnished with information other than that contained in the statement submitted to the shareholders at the last annual general meeting and in any return under section 83 made by the bank after that meeting and more than sixty days before the date of the offer but the directors may offer shares to such a shareholder or may in lieu of such an offer provide for him such rights in respect of shares as the directors determine, and such offer of shares or provision of rights may, subject to paragraphs (a), (b), (c) and (e), be on terms different except as to price from those of the offer to or provision for shareholders whose recorded address is elsewhere than in such country, and
- (e) no fraction of a share shall be offered and no rights in respect of a fraction of a share shall be provided.

Notice of
offer.

27. The offer shall be mailed to the shareholder at his recorded address and the directors shall, in the offer, fix a date, not earlier than the ninetieth day after the day on which the offer is mailed, by which the offer is to be accepted by the shareholder or, unless the directors have prohibited the transfer of the rights under the offer, by any transferee thereof.

Disposal of
shares not
subscribed
or offered.

28. (1) Where, under section 26,

- (a) shares are offered but not subscribed for or rights in respect of shares are provided but not exercised, or
- (b) shares or fractions of shares are not offered and rights in respect thereof are not provided,

such shares may be disposed of in such manner and on such terms as the directors determine, except that no share shall be sold at less than par.

(2) If the average net proceeds per share of the disposal of shares under subsection (1) exceeds the price per share fixed by the directors under section 26, there shall be paid,

(a) to each shareholder to whom shares were offered but not subscribed for or for whom rights in respect of shares were provided but not exercised, the amount of such excess multiplied by the number of such shares,

(b) to each shareholder to whom shares were not offered by reason of paragraph (d) of section 26 and for whom rights in respect of shares were not provided in lieu thereof, the amount of such excess multiplied by the number of such shares, and

(c) to each shareholder to whom a fraction of a share was not offered and for whom rights in respect of a fraction of a share were not provided by reason of paragraph (e) of section 26, the amount of such excess multiplied by such fraction.

29. For the purpose of disposing of shares under section 26 or 28, the directors shall cause stock books to be opened at the head office of the bank and elsewhere in their discretion and each person acquiring shares who, prior to the time of acquisition, is not a shareholder shall, at that time, give his post office address and description and these particulars shall appear in the stock books in connection with the name of the person and the number of shares acquired. Stock books.

30. Notwithstanding any other Act, the amount or value of any money, benefit or advantage received by a shareholder as the result of an offer, allotment or distribution pursuant to sections 26 and 28 shall not be included in computing the income of the shareholder. Allotment of shares not income.

SHARES AND CALLS.

31. The shares of the capital stock of the bank are personal property. Shares personalty.

32. (1) The directors may make such calls of money from the several shareholders for the time being, upon the amounts remaining unpaid in respect of the shares subscribed for by them respectively, as they find necessary. Calls on shares.

(2) Any number of calls may be made by one resolution. Number.

(3) Calls shall be payable at intervals of not less than thirty days. Time of payment.

(4) Notice of calls shall be given to the shareholders. Notice.

(5) Subject to this Act, no call shall exceed ten per cent of the amount subscribed in respect of each share. Amount.

Calls when
capital lost.

33. (1) Where any part of the paid-up capital is lost, the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders in an amount equal to the amount of the loss or the amount of the subscription price of the stock remaining unpaid, whichever is the lesser.

Report to
Minister.

(2) The directors shall forthwith report to the Minister the amount of any loss to which this section refers and the calls, if any, made in respect thereof.

Recovery of
calls.

34. In case of the non-payment of a call or of an instalment under a subscription for shares, the directors may, in the corporate name of the bank, sue for and recover the amount of the call or instalment, or may declare the shares in respect of which default is made to be forfeited to the bank in accordance with section 35.

Forfeiture of
shares for
non-payment
of calls.

35. (1) Where a shareholder fails to pay an instalment or call upon his shares of the capital stock of the bank when it is due, and thereafter fails to make the payment on or before a day fixed in a notice directed to him in accordance with the by-laws or a resolution of the directors, the directors may, by resolution, in their discretion, declare forfeited the shares in respect of which the payment is in default.

Sale of
forfeited
shares.

(2) Shares declared forfeited under subsection (1) become, by such declaration, the property of the bank, and the directors shall, before the expiry of six months from the declaration, sell them to such persons, in such manner and on such terms as they may determine.

Liability of
former
shareholder.

(3) Notwithstanding the forfeiture of shares under this section, the shareholder who immediately prior to the forfeiture was the holder of the shares, continues to be liable to the bank for the amount of the subscription price of the shares that was unpaid at the time of forfeiture, less such amounts as are subsequently received by the bank in respect of the shares.

Recovery
by action.

36. In any action brought to recover any money due on any instalment or call, it is not necessary to set forth the special matter in the declaration or statement of claim, but it is sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the capital stock of the bank, and that he is indebted to the bank for instalments or calls upon such share or shares, in the sum to which the instalments or calls amount, as the case may be, stating the amount and number of the instalments or calls, and it is not necessary, in any such action, to prove the appointment of the directors.

Allegations.

TRANSFER AND TRANSMISSION OF SHARES.

37. (1) The shares of capital stock of the bank are transferable in the manner prescribed by the by-laws. Transfer of shares.

(2) No fraction of a share is transferable. Fractions.

38. (1) Particulars of every transfer of shares of the capital stock of the bank shall be recorded in a stock transfer book to be kept at the head office of the bank. Stock transfer book.

(2) The stock transfer book shall be open to the shareholders of the bank during business hours. Idem

39. (1) Where the interest in any share of the capital stock is transmitted by or in consequence of Transmission of shares.

(a) the death, lunacy, bankruptcy, or insolvency of any shareholder,

(b) the marriage of a female shareholder, or

(c) any lawful means, other than a transfer according to this Act,

the transmission shall be authenticated by a declaration in writing as provided in this section or in such other manner as the directors of the bank require. How authenticated.

(2) Every declaration shall distinctly state the manner in which and the person to whom the share has been transmitted, and shall give his post office address and description, and such person shall make and sign the declaration. Declaration.

(3) The person making and signing the declaration shall acknowledge the same before a judge of a court of record, or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a notary public, or a commissioner for taking affidavits, where the declaration is made and signed. Acknowledgment.

(4) Every declaration signed and acknowledged as required by this section shall be left with the general manager or other officer or agent of the bank, who shall thereupon enter the name of the person entitled under the transmission in the register of shareholders. To be left with bank.

(5) Until the transmission has been authenticated under subsection (4), no person claiming by virtue thereof is entitled to participate in the profits of the bank, or to vote in respect of any such share of the capital stock. Exercise of rights as shareholder.

40. (1) Every declaration and instrument required by section 39 to perfect the transmission of a share in the bank shall, if made elsewhere than in a country of the British Commonwealth or any colony, dependency or protectorate of any such country, Further authentication.

(a) be further authenticated by the clerk of a court of record under the seal of the court, or by a consul,

vice-consul or other accredited representative of any of Her Majesty's Governments in the country where the declaration or instrument was made, or

(b) be made directly before such consul, vice-consul or other accredited representative.

Further evidence.

(2) The directors, general manager or other officer or agent of the bank may require corroborative evidence of any fact alleged in any declaration under section 39.

Transmission by will or intestacy.

41. Where the transmission of a share has taken place by virtue of any testamentary instrument or by intestacy, the probate of the will, or the letters of administration, or act of curatorship or tutorship, or an official extract therefrom, shall, together with the declaration, be produced and left with the general manager or other officer or agent of the bank, and the general manager or other officer or agent of the bank shall thereupon enter in the register of shareholders the name of the person entitled under the transmission.

Transmission by decease.

42. Notwithstanding anything in this Act, if the transmission of any share of the capital stock has taken place by virtue of the decease of any shareholder, the production to the general manager or other officer or agent of the bank and the deposit with him of

(a) any authenticated copy of the probate of the will of the deceased shareholder, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in a country of the British Commonwealth or any colony, dependency or protectorate of any such country, or of any testament-testamentary or testament-dative expedé in Scotland,

(b) an authentic copy of the will of the deceased shareholder, if such will is in notarial form according to the law of the Province of Quebec, or

(c) if the deceased shareholder died elsewhere than in a place mentioned in paragraph (a), any authenticated copy of the probate of his will or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters,

is sufficient justification and authority for paying any dividend, or for transferring or authorizing the transfer of any share, in pursuance of and in conformity to the probate, letters of administration, or other document.

SHARES SUBJECT TO TRUSTS.

43. (1) The bank is not bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its capital stock is subject. Bank not bound to see to trusts.

(2) Except only in the case of a claim in the manner referred to in paragraph (b) of subsection (1) of section 75, by some other person, the receipt of the person in whose name any share stands in the books of the bank, or, if it stands in the names of more persons than one, the receipt of one of such persons, is a sufficient discharge to the bank for any dividend or any other sum of money payable in respect of the share, and the bank is not bound to see to the application of the money paid upon such receipt, whether given by one of such persons or all of them. Receipt.

44. (1) No person holding shares of the capital stock of the bank as executor, administrator, guardian, trustee, tutor or curator Executor or trustee not personally liable.

(a) of or for any estate, trust or person named in the books of the bank as being represented by him, or

(b) if the will or other instrument under or by virtue of which the shares are so held is named in the books of the bank in connection with such holding,

is personally subject to any liability as a shareholder for unpaid subscriptions for shares; but the estate and funds in his hands are liable in like manner and to the same extent as the testator, intestate, ward or person interested in such estate and funds would be, if living and competent to hold the shares in his own name.

(2) Where the trust is for a living person or corporation, such person or corporation is also liable as a shareholder to the extent of his or its respective interest in the shares. Cestui que trust liable.

(3) Where the estate, trust or person so represented, or will or other instrument, is not named in the books of the bank, the executor, administrator, guardian, trustee, tutor or curator is personally liable in respect of the shares as if he held them in his own name as owner thereof. Executor or trustee liable where trust not named.

ANNUAL AND OTHER STATEMENTS.

45. (1) At every annual general meeting of the shareholders, the outgoing directors shall submit a statement (hereinafter called the "annual statement"), which shall present fairly the financial position of the bank for the financial year immediately preceding the meeting, and shall contain Statements required to be submitted at annual general meeting.

(a) a statement of assets and liabilities of the bank as at the end of the financial year, showing the information specified under these headings in Schedule A and such

additional information and particulars as in the opinion of the directors are necessary to present fairly the financial position of the bank, and

- (b) a statement of the undivided profits of the bank as at the end of the financial year, which shall also show the balance available for distribution of profits earned in the financial year and shall indicate whether transfers have been made in the financial year in respect of contingency reserves and whether provision has been made out of those reserves for diminution in the value of investments and loans.

How
statements
signed.

- (2) The annual statement shall be signed
(a) on behalf of the board of directors, by the president or a vice-president or two other directors, and
(b) by the general manager or a person duly authorized to sign in the place of the general manager.

Additional
statements.

46. The directors shall, in addition to the annual statement, submit to the shareholders such other statements of the affairs of the bank in such manner and at such times as the shareholders by by-law require.

SHAREHOLDERS' AUDIT.

Auditors.

47. (1) The affairs of the bank shall be audited by two auditors appointed in accordance with this section, each of whom at the time of his appointment is an accountant who

Qualification.

- (a) is a member in good standing of an institute or association of accountants incorporated by or under the authority of the legislature of the Province of Quebec,
(b) is ordinarily resident in Canada, and
(c) has practised his profession in Canada continuously during the six consecutive years immediately preceding his appointment.

Appoint-
ment.

(2) The shareholders shall, at each annual general meeting, appoint two persons having the qualifications specified in subsection (1), but not being members of the same firm, to be the auditors of the bank until the next ensuing annual general meeting, but no person shall be so appointed if he or a member of his firm is a director, officer or employee of the bank.

Minister may
revoke ap-
pointments.

(3) The Minister may at any time revoke the appointment of an auditor by notice in writing signed by the Minister and sent by registered mail addressed to the auditor at his usual place of business and shall at the same time furnish a copy thereof to the bank.

Dis-
qualification.

- (4) An auditor ceases to hold office
(a) on the day on which a notice is mailed to him under subsection (3), or
(b) if he or a member of his firm becomes a director, officer or employee of the bank.

(5) When a vacancy occurs in the office of auditor of a bank, the bank shall forthwith give notice thereof to the Minister, who shall appoint a person having the qualifications specified in subsection (1) to be an auditor of the bank until the next ensuing annual general meeting. Vacancy.

(6) The shareholders shall, at the time they appoint the auditors, fix their remuneration, and when a vacancy occurs in the office of auditor and is filled under this section, the remuneration so fixed shall be divided, in such manner as the directors determine, amongst the person originally appointed or his legal representative, the continuing auditor and the person appointed to fill the vacancy. Remuneration.

(7) The auditors of the bank have a right of access to the books, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank, and are entitled to require such information and explanations as they deem necessary for the performance of their duties as auditors. Access to books, etc.

(8) In addition to any other audit and report required by this section the auditors shall, at least once during their term of office, check the cash and verify the securities of the bank at the head office of the bank and, if they deem it advisable, at any branch of the bank. Auditors to check cash and securities.

(9) The Minister may require that the auditors of the bank shall report to him upon the adequacy of the procedure adopted by the bank for the safety of its creditors and shareholders, and as to the sufficiency of their own procedure in auditing the affairs of the bank. Minister may require report on procedure.

(10) The Minister may, in his discretion, enlarge or extend the scope of the audit or direct any other or particular examination to be made or procedure established in the particular case as, in his opinion, the public interest may require, and the bank shall, in respect thereof, pay to the auditor such remuneration, in addition to that fixed under subsection (6), as the Minister allows. Minister may enlarge scope of audit.

(11) The auditors shall make a report to the shareholders on the statement of the assets and liabilities of the bank to be submitted by the directors to the shareholders under section 45. Report to shareholders on assets and liabilities

(12) The auditors' report shall state whether, in the opinion of the auditors, the statement referred to in the report presents fairly the financial position of the bank and Statements by auditors.

(a) whether they have obtained all the information and explanations they have required,

(b) whether, in their opinion, the transactions of the bank that have come under their notice have been within the powers of the bank,

(c) whether their checking of cash and verification of securities in accordance with subsection (8) agreed

with the entries in the books of the bank with respect thereto, and

(d) whether the statement is as shown by the books of the bank.

Reading
of report.

(13) The auditors' report shall be attached to the statement of assets and liabilities submitted by the directors to the shareholders under section 45 and the report shall be read before the shareholders at the annual general meeting.

Copies for
shareholders
and
Minister.

(14) At or after the annual general meeting any shareholder is entitled, on application, to be furnished by the directors with a copy of the statement and report submitted to the meeting, and a copy of thereof shall be forwarded to the Minister.

INSPECTION.

Examination
by Inspector
General of
Banks.

48. (1) The Inspector General of Banks, from time to time, but not less frequently than once in each calendar year, shall make or cause to be made an examination and inquiry into the affairs or business of the bank and report thereon to the Minister, and for such purposes the Inspector has and may exercise and perform all the rights, powers and duties given to him under the *Bank Act*.

Correctness
of cash
reserve
returns.

(2) In addition to any report under subsection (1) the Inspector shall annually certify to the Minister and to the Governor of the Bank of Canada whether in his opinion the returns that have been submitted by the banks under section 84 are correct.

Powers of
commissioner
under
Inquiries Act.

(3) The Inspector has all the powers conferred upon a commissioner appointed under the *Inquiries Act* for the purpose of obtaining evidence under oath, and may delegate such powers as occasion may require.

Salaries
and expenses
paid out of
Consolidated
Revenue
Fund and
recouped by
assessment
on banks.

49. If an appropriation therefor has been made by Parliament, all salaries, remuneration and other expenses incidental to carrying out section 48 shall be paid out of the Consolidated Revenue Fund, and the Consolidated Revenue Fund shall be recouped after the end of each calendar year for such outlay by an assessment upon the banks based upon the average total assets of the banks, respectively, during the year, as shown by the monthly returns made by the banks to the Minister under section 83, and such assessment shall be paid by the banks.

No grant or
gratuity to
be made
by bank
officials to
Inspector
or his
officers.

50. The Inspector or any other person appointed or employed under section 62 of the *Bank Act* shall not accept or receive, directly or indirectly, any grant or gratuity from a bank or from any director, officer or employee of a bank, and no bank and no director, officer or employee of a bank shall make or give any such grant or gratuity.

51. The Inspector or any other person appointed or employed under section 62 of the *Bank Act* or any person to whom any powers are delegated under subsection (3) of section 48 shall not disclose to any other person, except the Minister, the Deputy Minister of Finance and the Governor of the Bank of Canada, or a representative of the latter if authorized by him in writing, any information regarding the business or affairs of a bank. Secrecy.

CONTINGENCY RESERVES.

52. (1) Where in the opinion of the Minister an amount set aside or reserved by any bank out of income, either by way of write-down of the value of assets or appropriation to any contingency reserve or contingent account for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises or other contingencies, is in excess of the reasonable requirements of the bank having regard to all the circumstances, the Minister shall notify the Minister of National Revenue of the amount so set aside and of the amount of such excess. Report to Minister of National Revenue of excess reserves for bad debts, etc.

(2) Nothing in subsection (1) shall be construed to give the Minister any jurisdiction over the discretion of the directors of the bank with regard to amounts set aside, reserved or transferred to any reserve or other account from income upon which taxes have been assessed under any Act of the Parliament of Canada imposing a tax upon or in respect of income. Discretion of directors not affected.

DIVIDENDS.

53. (1) Subject to this Act and the by-laws, the directors of the bank may declare a dividend of so much of the profits of the bank as they consider advisable, and shall fix the day for payment thereof. Declaration of dividends.

(2) The directors shall give public notice of the payment of a dividend published for at least four weeks prior to the day fixed for payment thereof. Notice.

(3) A dividend is due and payable on and after the day fixed for payment thereof at the head office of the bank and at such other places as the directors prescribe. Where payable.

(4) The directors may close the transfer books for a period, not exceeding fifteen days, before the payment of a dividend. Share transfer books closed.

(5) Subject to subsection (2) of section 56, the liability of the bank, under any law, custom or agreement, to pay dividends that have become payable on its capital stock shall continue notwithstanding any statute of prescription or limitation. Liability in respect of dividends.

Dividend
not to
impair
capital.

54. (1) No dividend or bonus shall be declared
(a) while the paid-up capital of the bank is impaired, or
(b) if as a result thereof the paid-up capital of the bank
would be impaired.

Directors
liable for
such
dividend.

(2) The directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus contrary to subsection (1) are jointly and severally liable for the amount of such dividend or bonus, as a debt due by them to the bank.

Dividend
limited
unless there
is a certain
rest account.

(3) No division of profits exceeding the rate of eight per cent per annum on the paid-up capital stock of the bank shall be made by the bank unless after making the division the bank has a rest account equal to at least thirty per cent of its paid-up capital stock after making all necessary provisions for ascertained and estimated diminution in the value of assets.

Personal
liability
of
directors.

(4) The directors who knowingly and wilfully concur in any division of profits contrary to subsection (3) are jointly and severally liable for the amount so divided, as a debt due by them to the bank.

CASH AND ADDITIONAL RESERVES.

Reserve.

55. (1) The bank shall at all times maintain a reserve equal to at least five per cent of its deposit liabilities in the form of notes of the Bank of Canada or of deposits with the Bank of Canada or a chartered bank.

Addition to
reserve.

(2) The bank shall at all times maintain a reserve, in addition to that required by subsection (1), equal to at least fifteen per cent of its deposit liabilities in the form of

(a) notes of the Bank of Canada or of deposits with the Bank of Canada or a chartered bank, or

(b) securities of or guaranteed by the Government of Canada or of a province.

Government
guarantee.

(3) If the property and assets of the Bank of Canada are insufficient to pay its debts and liabilities and the Bank of Canada suspends payment of any of its liabilities, the deposit made under this section by every bank is hereby guaranteed, and the Governor in Council, on the recommendation of the Minister, shall authorize payment out of the Consolidated Revenue Fund of such moneys as are necessary to implement the guarantee.

DESTRUCTION OF OLD RECORDS.

Destruction
of records.

56. (1) Except as provided in subsection (4) of section 74, the bank may destroy books, records, documents, vouchers, paid instruments and papers in its possession

where they are dated or were in existence or contain entries or writings made, more than twenty years prior to the destruction.

(2) Except as provided in subsection (3), in any action or proceeding the liability of the bank shall be determined by reference only to evidence of matters that have arisen or things that have occurred, including books and records or the portions thereof, and documents, vouchers, paid instruments and papers, that are dated or came into existence, or that contain entries or writings made, during the period of twenty years immediately preceding the commencement of the action or proceeding, and notices given during that period. Evidence.

(3) In any action or proceeding to establish the ownership of shares of capital stock of the bank, such ownership shall be determined by reference only to evidence of matters that have arisen or things that have occurred, including books and records, or the portions thereof, and documents, vouchers, paid instruments and papers, that are dated or came into existence, or that contain entries of writings made, during the period of twenty years immediately preceding the commencement of the action or proceeding, excepting the share register of the bank. Idem.

(4) Nothing in subsection (1), (2) or (3) affects the operation of any statute of limitation or prescription or the right of the bank to destroy any books, records, documents, vouchers, paid instruments or papers not specified in subsection (4) of section 74 or relieves the bank from any liability to the Bank of Canada in respect of any debt or instrument to which subsection (1) of section 74 applies. Statute of Limitations.

BUSINESS AND POWERS.

General.

57. (1) The bank may

- (a) deposit money with the Bank of Canada and with any chartered bank;
- (b) deposit money with banks outside Canada, if so authorized by the board of directors; and
- (c) borrow money from the Bank of Canada and from any chartered bank and give security for the repayment thereof.

Business and powers of bank.

(2) Except as authorized by or under this Act and the *National Housing Act, 1954*, the bank shall not, directly or indirectly, Prohibitions.

- (a) issue notes of the bank payable to bearer on demand and intended for circulation;

- (b) deal in goods, wares and merchandise or engage in any trade or business;
- (c) lend or invest money or make advances;
- (d) acquire or deal in shares of the capital stock of a bank to which this Act applies;
- (e) acquire or deal in securities, shares, mortgages, hypothecs or other security; and
- (f) except with the consent of the Treasury Board, contribute to any guarantee or pension fund if any part of the fund has, at any time after the coming into force of this Act, been invested in shares of the capital stock of a bank to which this Act applies.

Investments.

Investments.

- 58.** The bank may invest in
- (a) securities of or guaranteed by the Government of Canada or of a province;
 - (b) securities of or guaranteed by the Government of the United Kingdom or of any colony, dependency or protectorate of the United Kingdom;
 - (c) securities of or guaranteed by the government of any other country of the British Commonwealth or of any colony, dependency or protectorate of any such country;
 - (d) securities of or guaranteed by the Government of the United States of America or of any state thereof;
 - (e) securities of or guaranteed by a municipal corporation in Canada;
 - (f) securities of a school corporation in Canada that derives its revenues from rates or taxes levied by it or on its behalf;
 - (g) securities of an ecclesiastical or religious corporation incorporated in Canada;
 - (h) securities of a fabrique de paroisse or syndic issued under the Parish and Fabrique Act of the Province of Quebec;
 - (i) securities of a corporation incorporated for the purpose of operating a hospital or sanitarium in the Province of Quebec; and
 - (j) securities issued to finance the purchase of transportation equipment for a railway company incorporated in Canada, or for a railway company owned or controlled by a railway company so incorporated, if the securities are fully secured by
 - (i) an assignment of the equipment to, or the ownership thereof by, a trustee, and

(ii) a lease or conditional sale of the equipment by the trustee to the railway company;
if the securities are not in default in respect of either principal or interest.

59. The bank may invest in

Idem.

(a) the securities and first preferred shares of a corporation incorporated in Canada

(i) whose common shares are listed on a recognized stock exchange,

(ii) that has, in each of its last five financial years ended less than one year before the date of the investment, paid in cash, on all its outstanding capital stock, a dividend out of income earned in the year of payment, and

(iii) that has an unimpaired paid-up capital and earned surplus in excess of five hundred thousand dollars;

(b) the shares of a chartered bank that has, in each of its last five financial years ended less than one year before the date of the investment, paid in cash, on its outstanding capital stock, a dividend out of income earned in the year of payment; and

(c) any other securities approved by the Treasury Board;

if the aggregate market value of the investments of the bank under this section, together with that of the proposed investment, does not exceed fifteen per cent of its deposit liabilities.

60. The bank may, subject to this Act, invest in

Idem.

(a) mortgages and hypothecs upon the security of which the bank may lend money and make advances under section 64; and

(b) mortgages and hypothecs upon the security of which the bank may lend money and make advances under the *National Housing Act, 1954*.

Loans and Advances.

61. The bank may lend money and make advances to any person if the bank takes as security for the repayment of the loan

Loans and advances.

(a) any of the securities mentioned in section 58, the market value of which, at the time the loan is made, is not less than the amount of the loan;

(b) the shares of a chartered bank or the securities or shares of a corporation other than one mentioned in section 58, the market value of which, at the time

the loan is made, is not less than one hundred and twenty per cent of the amount of the loan; or

(c) a life insurance policy, the cash surrender value of which, at the time the loan is made, is not less than the amount of the loan,

and the bank takes the security with authority to sell it or realize thereon.

Idem.

62. The bank may lend money and make advances without security to the Government of Canada or a province.

Loans and
advances
without
security.

63. The bank may lend money and make advances without security

(a) to a municipal corporation in Canada;

(b) to a school corporation in Canada that derives its revenues from rates or taxes levied by it or on its behalf;

(c) to an ecclesiastical or religious corporation incorporated in Canada;

(d) to a fabrique de paroisse or syndic that is subject to the Parish and Fabrique Act of the Province of Quebec;

(e) to a corporation incorporated for the purpose of operating a hospital or sanitarium in the Province of Quebec;

(f) to a corporation incorporated in Canada, in an amount that, together with the amount owing by the corporation to the bank in respect of any other loan under this section, does not, at the time the loan is made, exceed the unimpaired paid-up capital and earned surplus of the corporation, if

(i) the loan is authorized by resolution of the board of directors of the bank,

(ii) the corporation has an unimpaired paid-up capital and earned surplus in excess of five hundred thousand dollars, and

(iii) the corporation has, in each of its last five financial years ended less than one year before the date of the loan, paid in cash, on all its outstanding capital stock, a dividend out of income earned in the year of payment; or

(g) to any individual in an amount that, together with the amount owing by the individual to the bank in respect of any other loan under this section, does not, at the time of the loan, exceed two thousand dollars; if the aggregate outstanding amount of the loans made by the bank under this section, together with the proposed loan, does not exceed five per cent of its deposit liabilities.

64. (1) The bank may lend money and make advances on the security of a first mortgage or hypothec on improved real or immovable property in Canada if

Loans and advances on security of first mortgages.

(a) the loan is authorized by a resolution of the board of directors of the bank, and

(b) the loan does not exceed sixty per cent of the value of the real or immovable property on which the mortgage or hypothec is taken,

and the aggregate amount outstanding of loans made by the bank under this section and the aggregate amount invested by it in mortgages under paragraph (a) of section 60, together with the proposed loan, does not exceed twenty per cent of its deposit liabilities.

(2) In this section "improved real or immovable property" means land or immovable property upon which there is situate a building that constitutes a permanent improvement to the property or on which there is such a building in the process of construction.

"Improved real or immovable property" defined.

(3) This section does not limit the authority of the bank to accept a mortgage or hypothec of any amount as part payment of the sale price of real or immovable property sold by the bank.

Mortgage as part payment of sale price of property mortgage.

Security.

65. (1) Securities and shares acquired and held by the bank as security may, in the case of default in the payment of the debt for the securing of which they were so acquired and held, be dealt with, sold and conveyed in like manner as and subject to the restrictions under which a private individual might, in like circumstances, deal with, sell and convey the same.

Realization of securities.

(2) The right to deal with and dispose of securities or shares, as provided in subsection (1), may be waived or varied by any agreement between the bank and the owner of the securities or shares.

Waiver of rights.

66. (1) Notwithstanding this Act, the bank may acquire any of the securities or shares referred to in section 65 that are held by it as security.

Acquisition of securities.

(2) When the bank acquires securities or shares in which the bank may not invest under this Act,

Disposal of unauthorized securities.

(a) in the realization of a loan, or

(b) in an exchange or conversion of securities or shares as a result of reorganization or amalgamation of a corporation,

the bank shall, within twelve months, sell or dispose of them.

Idem.

(3) Any securities or shares in which the bank may not invest under this Act held at the coming into force of this Act shall be sold or disposed of before the 1st day of July, 1955.

Extension
of time.

(4) The Treasury Board may direct that the time for the sale or disposal of any securities or shares under this section shall be extended for a further period or periods not to exceed a total of two years.

Subsequent
security.

67. Where a debt or liability has been incurred to the bank in the course of its business, the bank may subsequently take, hold and dispose of security of any kind for such debt or liability upon any real or personal, immovable or movable property.

Purchases
of realty.

68. The bank may purchase any real or immovable property offered for sale

(a) under execution, or in insolvency, or under the order or decree of a court, or at a sale for taxes, as belonging to any debtor to the bank,

(b) by a mortgagee or other encumbrancer, having priority over a mortgage or other encumbrance held by the bank, or

Notice of
sale by
auction.

(c) by the bank, under a power of sale given to it for that purpose, notice of such sale by auction to the highest bidder having been first given by advertisement for four weeks in a newspaper published in the country or electoral district in which such property is situate, in cases on which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the property that it may so purchase, and may acquire title thereto as any individual, purchasing at a sheriff's sale or sale for taxes or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same.

Bank may
acquire
absolute
title to
mortgaged
premises.

69. (1) The bank may acquire and hold an absolute title in or to real or immovable property mortgaged or hypothecated to it as security for a debt due or owing to it, either by the obtaining of a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred, or a transfer of title to real or immovable property can, by law, be effected, and may purchase and acquire any prior mortgage or charge on such property.

No Act or
law to
prevent.

(2) Nothing in any charter, Act or law shall be construed as ever having been intended to prevent or as preventing the bank from acquiring and holding an absolute title to and in any mortgaged or hypothecated real or immovable

property referred to in subsection (1), whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given to or held by the bank, authorizing or enabling it to sell or convey any property so mortgaged.

Real Property.

70. (1) The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose of the same, and acquire other property in its stead for the same purpose. Acquisition of real property.

(2) The bank may hold real or immovable property for a period of seven years Limit on right to hold real property.

(a) in the case of property acquired or held for its own use, from the day on which it ceases to be required for its own use, as determined by the directors, and

(b) in the case of other property, from the day on which it acquired the property,

and forthwith after the expiry of that period the bank shall sell or otherwise dispose of the property absolutely so that the bank no longer has, directly or indirectly, any interest or control in respect thereof except by way of security.

(3) Where the bank fails to dispose of property in accordance with subsection (2), the Attorney General of Canada may, upon such notice as a Judge of the Exchequer Court of Canada may order, apply to a Judge of that Court for an order declaring the property to be forfeited to Her Majesty in right of Canada, and the Judge may, if he is satisfied that the bank has not disposed of the property in accordance with subsection (2), declare the property forfeited to Her Majesty, except that Forfeiture

(a) the property shall not be vested in Her Majesty before the expiry of six calendar months from the day on which notice of the application was given to the bank in accordance with the order of the Judge, and

(b) the bank may, at any time before the property vests in Her Majesty, sell or otherwise dispose of it as required by subsection (2) as if no application, order or declaration had been made.

Interest and Charges.

71. (1) Except as provided in subsection (2), no bank shall in respect of any loan or advance, stipulate for, charge, take, reserve or exact any rate of interest or any rate of discount exceeding six per cent per annum and no higher rate of interest or rate of discount is recoverable by the bank. Interest exceeding 6% shall not be charged

Minimum
charges.

(2) Where the interest or discount on any loan or advance amounts to less than one dollar the bank may, notwithstanding subsection (1), stipulate for, charge, take, reserve or exact a total charge in respect of interest or discount not exceeding one dollar, except that where the loan or advance is not in excess of twenty-five dollars and the interest or discount thereon is less than fifty cents, the maximum charge in respect thereof shall not exceed fifty cents.

Charges on
discounts

72. The bank may, in discounting a bill of exchange, promissory note or other negotiable instrument, in order to defray the expense of collection thereof, charge in addition to the discount thereon,

(a) where the instrument is payable at a branch of the bank and is discounted at another branch, an amount not exceeding one-eighth of one per cent of the amount of the instrument or fifteen cents, whichever is greater, or

(b) where the instrument is payable at a place in Canada, other than a branch of the bank or of a chartered bank, an amount not exceeding one-fourth of one per cent of the amount of the instrument or twenty-five cents, whichever is greater.

Official
cheques and
cheques
payable to
government
to be paid at
par.

73. (1) No bank shall make a charge for cashing a cheque or other instrument drawn on the Receiver General or on his account in the Bank of Canada or in any chartered bank, or for cashing any other instrument issued as authority for the payment of money out of the Consolidated Revenue Fund, or in respect of any cheque or other instrument drawn in favour of the Receiver General, the Government of Canada or any department thereof or any public officer in his capacity as such, and tendered for deposit to the credit of the Receiver General.

Charges for
keeping
accounts.

(2) No bank shall directly or indirectly charge or receive any sum for the keeping of an account unless the charge is made by express agreement between the bank and the customer.

Deposits.

Transfer to
Bank of
Canada of
unclaimed
deposits, etc.

74. (1) Where

(a) a debt payable in Canada in Canadian currency is owing by the bank by reason of a deposit in respect of which no transaction has taken place and no statement of account has been requested or acknowledged by the creditor during a period of ten years reckoned

(i) in the case of a deposit made for a fixed period, from the day on which the fixed period terminated, and

(ii) in the case of any other deposit, from the day on which the last transaction took place or a statement of account was last requested or acknowledged by the creditor, whichever is later, or

(b) a cheque, draft or bill of exchange (including an instrument drawn by one branch of the bank upon another branch of the bank) payable in Canada in Canadian currency has been issued, certified or accepted by the bank and no payment has been made in respect thereof for a period of ten years from the date of issue, certification or acceptance,

the bank shall pay to the Bank of Canada an amount equal to the amount owing by the bank in respect of the debt or to the amount that would be owing if the instrument had been presented for payment, including interest, if any, in accordance with the terms of the debt or instrument, and payment accordingly discharges the bank from all liability in respect of the debt or instrument.

(2) Where in the opinion of the Minister, there is doubt as to who is entitled to payment of a debt or instrument specified in subsection (1) he may, in writing, direct the bank to withhold the payment required by subsection (1) and the bank shall not make the payment until directed to do so in writing by the Minister.

Minister
may direct
bank to
withhold
payment in
case of doubt

(3) Subject to subsection (4) of section 18 of the *Bank of Canada Act*, where payment has been made to the Bank of Canada under subsection (1) with respect to a debt or instrument, the Bank of Canada, if payment is demanded or the instrument is presented at the Bank of Canada by the person who, but for subsection (1), would be entitled to receive payment of the debt or instrument, is liable to pay at its agency in the province in which the debt or instrument was payable, an amount equal to the amount so paid to it, with interest thereon for a period not exceeding twenty years, from the day on which the payment was received by the Bank of Canada until the date of payment to the claimant, at such rate and computed in such manner as the Treasury Board determines if interest was payable in accordance with the terms of the debt, and such liability may be enforced by action against the Bank of Canada in a court of competent jurisdiction in the province in which the debt or instrument was payable.

Payment to
claimant.

(4) Where the bank has paid an amount to the Bank of Canada under subsection (1) in respect of a debt or instrument, it shall keep all signature cards and signing authorities relating to the debt or instrument until the Bank of Canada notifies the bank that they are no longer required and thereafter may destroy them.

Retention
of records.

(5) Except as provided in subsection (1) of this section, and in subsection (2) of section 56, no debt owing by the

Statutes of
limitation
not to apply.

bank by reason of a deposit is extinguished and no action to enforce payment thereof is barred by any statute of prescription or limitation.

Deposits
may be
received
from persons
unable to
contract.

75. (1) The bank may without the authority, aid, assistance or intervention of any other person or official being required,

(a) receive deposits from any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not, and

Payments.

(b) from time to time pay any or all of the principal thereof and any or all of the interest thereon to or to the order of such person, unless before payment the money so deposited in the bank is claimed by some other person in any action or proceeding to which the bank is a party and in respect of which service of a writ or other process originating such action or proceeding has been made on the bank, or in any other action or proceeding pursuant to which an injunction or order made by the court requiring the bank not to make payment of such money or to make payment thereof to some person other than the depositor has been served on the bank, and in the case of any such claim so made the money so deposited may be paid to the depositor with the consent of the claimant or to the claimant with the consent of the depositor.

Interest.

(2) The bank may allow any rate of interest on a debt payable by the bank by reason of a deposit.

Bank not
bound to
see to trust
in deposits.

76. (1) The bank is not bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit made under the authority of this Act is subject.

Payment
where bank
has notice
of trust.

(2) When any deposit made under the authority of this Act is subject to a trust of which the bank has notice, the receipt or cheque of the person in whose name any such deposit stands, or, if it stands in the names of two or more than two persons, the receipt or cheque of all such persons or of such of them as under the document creating the trust may be entitled to receive such deposit is, notwithstanding any trust to which such deposit is then subject, a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit and the bank is not bound to see the application of any money paid upon such receipt or cheque.

Payments in
other cases.

(3) Except only in the case of a claim made in the manner referred to in paragraph (b) of subsection (1) of section 75, by some other person before repayment, the

receipt or cheque of the person in whose name any deposit stands, or, if it stands in the names of two persons, the receipt or cheque of one, or, if it stands in the names of more than two persons, the receipt or cheque of the majority of such persons is a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit.

(4) An attaching or garnishee order or summons or a writ of extent affects and binds only property in the possession of the bank belonging to, or moneys to the credit of, the debtor at the branch where such order, summons or writ or notice thereof is served.

Garnishee,
writ, affect
only branch
where served

(5) Notwithstanding any trust, the bank shall pay a deposit and the interest thereon, in accordance with the direction of the depositor, and the bank is not bound to see to the application of the money paid on any receipt given by any or all of the persons in whose name the deposit stands.

Deposit upon
express
condition

77. (1) Where the interest in any deposit is transmitted by or in consequence of

Transmission
of deposits.

(a) the death, lunacy, bankruptcy, or insolvency of any depositor,

(b) the marriage of a female depositor, or

(c) any lawful means, other than by a transfer upon the books of the bank,

the transmission shall be authenticated by a declaration in writing as provided in this section or in such other manner as the directors of the bank require.

(2) Every declaration shall distinctly state the manner in which and the person to whom the deposit has been transmitted, and shall give his post office address and description, and such person shall make and sign the declaration.

How
authen-
ticated.

(3) The person making and signing the declaration shall acknowledge the same before a judge of a court of record, or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a notary public, or a commissioner for taking affidavits, where the declaration is made and signed.

Acknow-
ledgment.

(4) Every declaration signed and acknowledged as required by this section shall be left with the general manager or other officer or agent of the bank, who shall thereupon enter in the books of the bank the name of the person entitled to the deposit under the transmission.

To be left
with bank.

78. (1) Where a person dies, having a deposit with the bank not exceeding two thousand dollars, the production to the bank of

Where
depositor
dies, claim
not exceeding
\$2,000, how
proved.

(a) any authenticated copy of the probate of the will of the deceased depositor, or of letters of administration of his estate, or of letters of verification of heir-

ship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in a country of the British Commonwealth or any colony, dependency or protectorate of any such country, or of any testament-testamentar or testament-dative expedé in Scotland,

(b) an authentic copy of the will of the deceased depositor, if such will is in notarial form, according to the law of the Province of Quebec, or

(c) if the deceased depositor died elsewhere than in a place mentioned in paragraph (a), any authenticated copy of the probate of his will, or of letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters,

is sufficient justification and authority for paying such deposit, in pursuance of and in conformity to such probate, letters of administration, or other document.

Deposit of
copy of
document.

(2) When the authenticated copy or other document of like import is produced to the bank under subsection (1) there shall be deposited with the bank a true copy thereof.

Payment
in Bank of
Canada notes.

79. The bank, when making any payment shall, on the request of the person to whom the payment is to be made, make the payment or a part thereof, not exceeding one hundred dollars, as that person requests, in Bank of Canada notes for one, two or five dollars each.

CHARITABLE FUNDS.

Distribu-
tion to
charitable
institutions.

80. The directors shall continue to distribute to charitable institutions yearly, as heretofore, the interest earned on the amounts invested for that purpose.

Poor Fund of
Montreal.

81. The principal of the Poor Fund of The Montreal City and District Savings Bank, which has been ascertained and settled at one hundred and eighty thousand dollars, shall continue invested and shall be held by the said bank in municipal corporation securities with power to change the investment or of any part thereof, with the approval of the Treasury Board, but not otherwise.

Charity Fund
of Quebec.

82. The principal of the Charity Fund of La Banque d'Économie de Québec, The Quebec Savings Bank, which has been ascertained and settled at eighty-three thousand dollars, shall continue invested and shall be held by the said bank in municipal corporation securities with power to change the investment or of any part thereof, with the approval of the Treasury Board, but not otherwise.

RETURNS.

S3. (1) The bank shall, within the first fifteen days of each month, make a return to the Minister and to the Bank of Canada in the form set out in Schedule A, which shall present fairly the financial position of the bank on the last day of the last preceding month. Monthly return in form of Schedule A.

(2) The Governor in Council may amend Schedule A. Amendment of Schedule A.

S4. The bank shall, within the first fifteen days of each month, make a return to the Minister and to the Bank of Canada, in a form prescribed by the Minister, of its cash and additional reserves for the last preceding month showing the information appropriate to determine the reserves as defined in section 55. Monthly reserve return.

S5. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year with respect to all debts payable by the bank in Canadian currency by reason of deposits in respect of which no transaction has taken place and no statement of account has been requested or acknowledged by the creditor during a period of nine years or more, reckoned Annual return of unclaimed deposits.

(a) in the case of a deposit made for a fixed period, from the day on which the fixed period terminated, and

(b) in the case of any other deposit, from the day on which the last transaction took place or a statement of account was last requested or acknowledged by the creditor, whichever is later,

until the date of the return.

(2) A return made under subsection (1) shall show Content of return.

(a) the name of each creditor to whom, according to the books of the bank, the debts are payable,

(b) the recorded address of each such creditor,

(c) the amount payable to each such creditor, and

(d) the branch of the bank at which the last transaction took place with respect to the debt, and the date thereof.

S6. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year of every cheque, draft or bill of exchange (including an instrument drawn by one branch of the bank upon another branch of the bank) payable in Canada in Canadian currency that has been issued, certified or accepted by the bank and in respect of which no payment has been made for a period of nine years or more reckoned from the date of issue, certification or acceptance until the date of the return. Annual return of unpaid instruments

Content
of return.

- (2) A return made under subsection (1) shall show
- (a) the name of each person to whom or at whose request each instrument was issued, certified or accepted,
 - (b) the recorded address of each such person,
 - (c) the name of the payee of each instrument,
 - (d) the amount and date of each instrument,
 - (e) the name of the place where each instrument was payable, and
 - (f) the branch of the bank at which each instrument was issued, certified or accepted.

Annual
return of
unpaid
dividends

87. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year of all dividends that have become payable and have remained unpaid and unacknowledged by the shareholder or his legal representative for a period of more than five years reckoned from the day on which the dividend became due and payable until the date of the return.

Content
of return.

- (2) A return made under subsection (1) shall show
- (a) the name of each shareholder to whom a dividend to which subsection (1) applies is payable,
 - (b) the recorded address of each such shareholder, and
 - (c) the total amount of dividends to which subsection (1) applies that is payable to each shareholder.

Idem.

(3) Where the total amount of dividends payable to a shareholder is less than twenty-five dollars and has been included in returns made under this section for two consecutive years, the bank may thereafter omit the particulars required by subsection (2) from further returns made under this section unless the amount increases to twenty-five dollars or more.

Notice
of unpaid
amount to
person
entitled.

88. (1) The bank shall mail to each person, insofar as known to the bank,

- (a) to whom a debt referred to in section 85 is payable,
- (b) to whom or at whose request an instrument referred to in section 86 was issued, certified or accepted, and
- (c) to whom a dividend referred to in section 87 is payable,

at his recorded address, a notice in writing stating that the debt, instrument or dividend, as the case may be, remains unpaid.

When notice
to be given.

(2) The notice required by subsection (1) shall be given during the month of January next after the end of the first two-year period, and also during the month of January next after the end of the first five-year period, in respect of which

- (a) no transaction has taken place and no statement of account has been requested or acknowledged by the creditor,

- (b) the instrument has remained unpaid, or
 - (c) the dividend has remained unpaid,
- as the case may be.

89. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister in the form of a declaration in writing disclosing whether, according to the books of the bank and the signed returns received from the managers of branches, the bank has, during that calendar year, stipulated for, charged, taken, reserved or exacted in respect of any loan or advance any rate of interest or discount exceeding the rate authorized by section 71.

Annual
return of
interest
charges

(2) A declaration required by this section shall be signed by the persons who are required to sign the declaration mentioned in section 92.

Signature

90. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister of its shareholders according to its books as at the end of the financial year of the bank ending in that calendar year, showing

Annual
return of
names of
shareholders.

- (a) the name of each shareholder who holds five hundred or more shares of the capital stock of the bank,
- (b) the city, town or other place of the recorded address of each such shareholder,
- (c) the number of shares held by him and the amount, if any, remaining to be paid thereon, and
- (d) the total number of all other shareholders of the bank, the total number of shares held by them and the total amount, if any, remaining to be paid thereon.

(2) A return made by a bank under this section shall be signed by the president, a vice-president or a director authorized to sign in the place of the president, and by the general manager or a person authorized to sign in the place of the general manager.

91. (1) In addition to the returns required by sections 83 to 90, the bank shall furnish to the Minister,

Additional
information.

- (a) the documents required to be sent to him under section 33, and subsection (14) of section 47, and
- (b) such other information in such form as the Minister may require.

(2) The Minister may, in any case of doubt, determine

Minister may
determine
information

- (a) the information that is to be included in any classification, and
- (b) in which classification particular information shall be included,

in any form prescribed by or under this Act.

Extension
of time.

(3) The Minister may, in his discretion, extend the time for making a return required by this Act for a period not exceeding thirty days.

Declaration
to be annexed

92. A return made by a bank under sections 83 to 87 shall have annexed thereto as part of the return, a declaration in the form set out in Schedule B, signed

(a) as to Part I thereof, by the chief accountant or a person authorized to sign in the place of the chief accountant, and

(b) as to Part II thereof, by the president, a vice-president or a director authorized to sign in the place of the president, and by the general manager or a person authorized to sign in the place of the general manager.

Returns to
be laid before
Parliament

93. (1) Each return made under section 85, 86, 87 or 90 shall be laid before Parliament within fifteen days after the expiry of the time prescribed by or pursuant to this Act for making the return or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session.

Publication

(2) The Minister shall, in each year, cause the returns made under section 85, 86 or 87 in that year to be published in the *Canada Gazette* within thirty days after the expiry of the time prescribed by or pursuant to this Act for making the return.

INSOLVENCY.

Suspension
for 90 days to
constitute
insolvency

94. Any suspension by the bank of payment of any of its liabilities as they accrue, in Bank of Canada notes, if it continues for ninety days consecutively, or at intervals within twelve consecutive months, constitutes the bank insolvent.

Charter to
remain in
force for
calls and
winding-up

95. The charter or Act of incorporation of the bank in the case mentioned in section 94, remains in force only for the purpose of enabling the directors, or other lawful authority, to make and enforce the calls mentioned in section 96, and to wind up the business of the bank.

If no
proceedings
within
3 months
thereafter,
directors to
make calls

96. (1) Where any suspension of payment in full, in Bank of Canada notes, of any of the liabilities of the bank, continues for three months after the expiration of the time that, under section 94 would constitute the bank insolvent, and no proceedings are taken under any Act for the winding-up of the bank, the directors shall make calls on each shareholder thereof to the amount they deem necessary to pay all the debts and liabilities of the bank not exceeding the amount uncalled on his shares, without waiting for the collection of any debts due to the bank or the sale of any of its assets or property.

(2) The following provisions apply in respect of calls made under subsection (1), namely:

Provisions
applicable
to calls.

- (a) the calls shall be payable at intervals of thirty days;
- (b) notice of the calls shall be given to the shareholders;
- (c) any number of calls may be made by one resolution;
- (d) no call shall exceed twenty per cent of the amount subscribed in respect of each share;
- (e) payment of calls may be enforced in like manner as payment of any other calls under this Act;
- (f) the first of such calls may be made within ten days after the expiration of the said three months;
- (g) in the event of proceedings being taken under any Act for the winding-up of the bank in consequence of the insolvency of the bank, the calls shall be made in the manner prescribed for the making of such calls in such Act; and
- (h) failure on the part of a shareholder to pay any such call when due constitutes a forfeiture by the shareholder of all claim in or to any part of the assets of the bank; but the call and any further call thereafter is recoverable from him as if no forfeiture had taken place.

97. The following persons, namely,

Liability of
shareholders
who have
transferred
their stock.

- (a) persons who, having been shareholders of the bank, have transferred their shares, or any of them, within sixty days before the commencement of the suspension of payment by the bank, and
- (b) persons whose shares of the capital stock of the bank have been forfeited within sixty days before the commencement of the suspension of payment by the bank,

Or whose
shares
have been
forfeited.

are liable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held.

98. In the case of the insolvency of the bank

Order of
charges

- (a) the payment of any amount due to the Government of Canada, in trust or otherwise, shall be the first charge upon the assets of the bank,
- (b) the payment of any amount due to the government of a province, in trust or otherwise, shall be the second charge upon such assets, and
- (c) the amount of any penalties for which the bank is liable shall be a charge upon the assets of the bank after all other liabilities are paid.

CURATOR.

Minister
to appoint
curator.

99. (1) The Minister shall, if a bank suspends payment in Bank of Canada notes of any of its liabilities as they accrue, forthwith appoint in writing a curator to supervise the affairs of the bank.

Idem.

(2) The Minister may, if the Inspector reports that in his opinion a bank is insolvent, forthwith appoint in writing a curator to supervise the affairs of the bank.

Removal.

100. The Minister may at any time remove the curator and may appoint in writing another person to act in his stead.

Powers and
duties of
curator.

101. (1) The curator shall assume supervision of the affairs of the bank, and has generally all powers and shall take all steps and do all things necessary or expedient to protect the rights and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper disposition, according to law, of the assets of the bank; and, for the purposes of this section, he is entitled to free and full access to all books, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank.

Supervision

(2) The curator shall supervise the affairs of the bank until he is removed from office, or until a liquidator is duly appointed to wind up the business of the bank.

Officers and
employees
to assist
curator.

102. The directors, officers and employees of the bank shall give and afford to the curator all such information and assistance as he requires in the discharge of his duties.

No act of
directors
valid unless
approved by
curator

103. No by-law, regulation, resolution or act, relating to the affairs or management of the bank, passed, made or done by the directors during the time the curator is in charge of the bank, is of any force or effect until approved in writing by the curator.

Remunera-
tion of
curator.

104. The remuneration of the curator for his services, and his expenses and disbursements in connection with the discharge of his duties, shall be fixed and determined by a judge of a superior court in the Province of Quebec, and shall be paid out of the assets of the bank, and, in case of the winding-up of the bank, shall rank on the estate equally with the remuneration of the liquidator.

LIQUIDATOR.

Returns by
liquidator

105. A liquidator appointed to wind up the affairs of a bank shall furnish to the Minister such information, in such form, relating to the affairs of the bank, as the Minister may require of him.

PAYMENTS UPON WINDING-UP.

106. (1) Notwithstanding the *Winding-Up Act*, where the business of the bank is being wound up, the liquidator shall pay to the Minister on demand and in any event before the final winding-up thereof, any amount that is payable by the liquidator to a creditor or shareholder of the bank to whom payment thereof has not, for any reason, been made.

Unclaimed money on winding-up to be paid to Minister.

(2) The Minister shall pay to the Bank of Canada any amounts paid to him under subsection (1).

Payment to Bank of Canada

(3) Payment by a liquidator to the Minister under this section discharges the liquidator and the bank in respect of which the payment is made from all liability for the amount so paid and payment by the Minister to the Bank of Canada under this section discharges the Minister from all liability for the amount so paid.

Liquidator and bank discharged

(4) Subject to subsection (4) of section 18 of the *Bank of Canada Act*, where payment has been made to the Bank of Canada of an amount under this section, the Bank of Canada, if payment is demanded by the person who, but for this section, would be entitled to receive payment of that amount from the liquidator, is liable to pay at its head office an amount equal to the amount so paid to it, with interest thereon for the period, not exceeding twenty years, from the day on which the payment was received by the Bank of Canada until the date of payment to the claimant, at such rate and computed in such manner as the Treasury Board determines, and such liability may be enforced by action against the Bank of Canada in any court of competent jurisdiction in Canada.

Liability of Bank of Canada.

OFFENCES AND PENALTIES.

Sale and Transfer of Shares.

107. Every person, whether principal, broker or agent, who sells or transfers or attempts to sell or transfer any share of the capital stock of a bank

Sale and transfer contrary to requirements.

(a) knowing that the person making the sale or transfer, or that the person in whose name or on whose behalf the sale or transfer is made, is not at the time of the sale or attempted sale the owner, or

(b) without the assent to the sale of the owner thereof, is guilty of an offence against this Act.

Annual Statement.

108. Every bank that issues or publishes

(a) a copy of the annual statement that has not been signed as required by section 45, or

Statements not signed as required.

(b) a copy of the annual statement required by section 45 that does not have a copy of the auditor's report attached to the statement of assets and liabilities, and every director, officer or employee of the bank who is knowingly a party to the issue or publication is liable to a penalty of two hundred and fifty dollars.

Inspection.

Refusal
to give
evidence.

109. (1) A person who refuses to give evidence under oath or to produce any book or document material thereto when required to do so by the Inspector or his representative when acting under subsection (3) of section 48 is guilty of an offence against this Act.

Acceptance of
grant or
gratuity

(2) The Inspector or any other person appointed or employed under section 62 of the *Bank Act* who accepts a grant or gratuity in contravention of section 50 is guilty of an offence against this Act.

Making of
grant or
gratuity

(3) Every bank that, and every director, officer or employee of a bank who, makes or pays a grant or gratuity in contravention of section 50 is guilty of an offence against this Act.

Disclosure of
information

(4) The Inspector or any other person appointed or employed under section 62 of the *Bank Act* or any person to whom powers are delegated under subsection (3) of section 48 who discloses any information in contravention of section 51 is guilty of an offence against this Act.

Cash and Additional Reserves.

Default in
maintaining
required
reserves.

110. Where the bank knowingly makes default in complying with the requirements of section 55, it is liable to a penalty at the rate of ten per cent per annum of the amount of deficiency for each day on which there is a deficiency in the amount of the reserve maintained by the bank or on which there is a deficiency in the amount of the moneys, deposits or securities held by the bank as required by that section.

Issue and Circulation of Notes.

Issue and
re-issue
of notes

111. Every bank that issues or re-issues a note contrary to paragraph (a) of subsection (2) of section 57, and every director, officer or employee of the bank who knowingly is a party thereto, is guilty of an offence against this Act.

Prohibited Business.

Bank doing
prohibited
business.

112. (1) Every bank that violates any of the provisions of paragraph (b), (c), (d) or (e) of subsection (2) of section 57 is liable to a penalty of five hundred dollars in respect of each violation.

(2) Every bank that violates the provisions of paragraph (f) of subsection (2) of section 57 is liable to a penalty of five thousand dollars in respect of each violation. Idem.

(3) Every bank that makes a loan, advance or investment not authorized by this Act is liable, in addition to any other penalty prescribed by this Act, to a penalty of fifty dollars for each day during which the loan, advance or investment continues to be unauthorized by this Act. Additional penalty.

113. Every bank that violates the provisions of section 71 is guilty of an offence and liable on summary conviction or on conviction upon indictment to a fine not exceeding five hundred dollars, and every person who, being an officer or employee of the bank, violates the provisions of section 71 is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars. Violation of interest provisions.

Returns.

114. (1) Every bank that fails

(a) to make a return required to be made by it under this Act, or Failure to make returns.

(b) to furnish to the Minister any information required to be furnished by it under subsection (1) of section 91, in the form and manner, within the time and containing the information prescribed by or pursuant to this Act, is liable to a penalty of fifty dollars for each day after the expiry of the time so prescribed for making the return or furnishing the information during which the failure continues.

(2) If any return required to be made or any information required to be furnished under or pursuant to this Act is transmitted by post, the date appearing by the stamp or mark of the post office in Canada upon the envelope or wrapper enclosing the return or information received by the Minister or by the Bank of Canada, as the date of deposit in the post office shall be taken *prima facie* for the purpose of subsection (1) to be the day upon which the return was made or the information was furnished. Date of posting returns.

115. (1) Every director, officer or employee of a bank and every auditor of a bank who knowingly prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive statement, or any return that does not present fairly information as required by this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years. False statements.

(2) Every director, officer or employee of a bank and every auditor of a bank who negligently prepares, signs, approves or concurs in any account, statement, return, Idem.

report or document respecting the affairs of the bank containing any false or deceptive statement, or any return that does not present fairly information as required by this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years.

Suspension of Payment.

Calls

116. Every director of a bank who refuses to make or enforce or to concur in the making or enforcing of any call on the shareholders of the bank as required by section 96 is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Payment of liabilities

117. Every director, officer or employee of a bank who, during any period of suspension of payment in Bank of Canada notes of any of the liabilities of the bank as they accrue, with knowledge of such suspension and without the consent of a duly appointed curator or liquidator, pays or causes to be paid to any person any debt or liability of the bank, is guilty of an offence against this Act.

Undue Preference to the Bank's Creditors.

Officers giving undue preference to any creditor.

118. Every director, officer or employee of a bank who wilfully gives or concurs in giving to any creditor of the bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or otherwise, is guilty of an indictable offence, and liable to imprisonment for a term not exceeding two years.

Bank officers obtaining gifts or showing favour

119. (1) Every person is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment or to a fine not exceeding twenty-five hundred dollars, or to both fine and imprisonment, and, upon summary conviction, to imprisonment for six months, or to a fine not exceeding five hundred dollars, or to both fine and imprisonment, who

(a) being a director, officer or employee of a bank, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs, or

Offering gifts or showing favour to bank officers.

(b) corruptly gives or agrees to give or offers any gift or consideration to a director, officer or employee of a bank as an inducement or reward or consideration for doing

or forbearing to do, or for having done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs.

(2) In this section "consideration" includes valuable consideration of any kind. "Con-
sideration
defined

Punishment for Offences against this Act.

120. Every person who commits an offence against this Act, is, unless otherwise provided by this Act, liable Punishment
for offences.

(a) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment; or

(b) on conviction upon indictment, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

Procedure.

121. (1) Unless otherwise provided by this Act, pecuniary penalties imposed upon a bank or person by this Act are recoverable and enforceable, with costs, at the suit of Her Majesty instituted by the Attorney General of Canada, and such penalties belong to Her Majesty in right of Canada, except that the Governor in Council, on the report of the Treasury Board, may direct that any portion of any penalty be remitted, or paid to any person, or applied in any manner deemed best adapted to attain the objects of this Act, and to secure the due administration thereof. Pecuniary
penalties.

(2) The Minister may waive all or any part of the pecuniary penalties imposed by this Act in any case where in his opinion the circumstances so warrant. Waiver.

REPEAL.

122. The *Quebec Savings Banks Act*, chapter 232 of the Revised Statutes of Canada, 1952, and the *Savings Deposits Returns Act*, chapter 246 of the Revised Statutes of Canada, 1952, are repealed. Repeal.

COMING INTO FORCE.

123. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming
into force.

SCHEDULE A

Return of Assets and Liabilities

of the _____ Bank
as at the _____ day of _____ 19____
(omitting cents)

ASSETS

1. Notes of and deposits with Bank of Canada and deposits with chartered banks..... \$
 2. Other cash and deposits.....
 3. Government of Canada direct and guaranteed securities, not exceeding market value.....
 4. Canadian provincial government direct and guaranteed securities, not exceeding market value....
 5. Canadian municipal and school corporation securities, not exceeding market value.....
 6. Other Canadian securities and shares, not exceeding market value.....
 7. Securities and shares, other than Canadian, not exceeding market value.....
 8. Mortgages and hypothecs insured under the National Housing Act, 1954, less provision for estimated loss.....
 9. Other mortgages and hypothecs, less provision for estimated loss.....
 10. Loans otherwise secured, less provision for estimated loss.....
 11. Loans without security, less provision for estimated loss.....
 12. Poor Fund or Charity Fund investments.....
 13. Bank premises at cost, less amounts written off....
 14. Other assets.....
- \$

LIABILITIES

1. Deposits by and balances due to Government of Canada..... \$
2. Deposits by and balances due to Canadian provincial governments.....
3. Deposit liabilities to the public.....
4. Advances from Bank of Canada, secured.....
5. Advances from chartered banks, secured.....
6. Poor Fund or Charity Fund Trust.....

- 7. Other liabilities.....
- 8. Capital paid up.....
- 9. Rest account.....
- 10. Undivided profits at latest fiscal year end.....

\$

SUPPLEMENTARY INFORMATION

Aggregate amount of loans to directors and firms of which they are members, and loans for which they are guarantors..... \$

SCHEDULE B

PART I

I declare that the above return is correct according to the books of the bank.

Dated at _____ this _____ day of _____, 19____.

Chief Accountant.

PART II

We declare that the foregoing return, to the best of our knowledge and belief, is correct and presents fairly the information required by section..... of the *Quebec Savings Banks Act* according to the latest information available to us.

Dated at _____ this _____ day of _____, 19____.

President.

General Manager.

2 - 3 ELIZABETH II.

CHAP. 42.

An Act to amend the Research Council Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Subsection (1) of section 8 of the *Research Council Act*, R.S., c. 239, chapter 239 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“**S.** (1) The Council is a body corporate, capable of suing and being sued and having power to acquire and hold real and personal property for the purposes of and subject to this Act.” Council
incorporated.

2. Section 10 of the said Act is repealed and the following substituted therefor:

“**10.** The Council shall meet at least three times a year Meetings. in the City of Ottawa on such days as are fixed by the Council and at such other times and places as the Council deems necessary.”

3. (1) All the words in paragraph (c) of section 13 of the said Act before subparagraph (ii) thereof are repealed Powers of
Council. and the following substituted therefor:

“(c) to undertake, assist or promote scientific and industrial research, including, without restricting the generality of the foregoing,

(i) the utilization of the natural resources of Canada,”

(2) Paragraphs (e), (f) and (g) of section 13 of the said Act are repealed and the following substituted therefor:

“(e) to expend, for the purposes of this Act, any money appropriated by Parliament for the work of the Council or received by the Council through the conduct of its operations, bequest, donation or otherwise;

- (f) with the approval of the Chairman, to appoint such scientific, technical and other officers as are nominated by the President, and to fix the tenure of such appointments, to prescribe the several duties of such officers, and, subject to the approval of the Governor in Council, to fix their remuneration;
- (g) subject to the approval of the Chairman, to publish and sell or otherwise distribute such scientific and technical information as the Council deems necessary;”

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 43.

An Act to amend the Royal Canadian Mounted Police Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 241.

1. Subsection (2) of section 6 of the *Royal Canadian Mounted Police Act*, chapter 241 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“(2) The Governor in Council may by commission appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police, one or more staff and other superintendents, and inspectors, detective inspectors, sub-inspectors, surgeons, assistant surgeons, veterinary surgeons and assistant veterinary surgeons, of the Force, and the Governor in Council may in any commission issued under the authority of this subsection limit the time during which the same shall continue in force.” Appointment of Deputy Commissioners, etc.

2. Section 11 of the said Act is repealed and the following substituted therefor:

“**11.** In the absence of the Commissioner, such Deputy Commissioner or Assistant Commissioner as the Commissioner may designate, may exercise all the powers that by this or any other Act are conferred upon the Commissioner.” Deputy Commissioner or Assistant Commissioner to act.

3. (1) Section 27 of the said Act is amended by adding thereto the following subsections:

“(2) The Governor in Council may grant to a retired member of the Force who Pension upon retirement for inefficiency.

(a) is not a contributor under Part V,

(b) has served in the Force for ten years or upwards, and

(c) was retired by reason of his inefficiency in the performance of his duties, an annual pension equal to one-half of the pension that might have been granted to him if he had been retired in consequence of permanent infirmity of body or mind until he attains the age of sixty-five years and thereafter to two-thirds of the said pension.

Misconduct
or ineffi-
ciency.

“(3) Where a member of the Force who is not a contributor under Part V is retired by reason of misconduct or by reason of his inefficiency in the performance of his duties, the fact of such retirement and the circumstances thereof shall be reported to the Board of Officers appointed under subsection (2) of section 101, and if the Board, after investigation of the circumstances surrounding any retirement reported to it under this subsection, reports to the Minister that it is in the public interest by reason of good and faithful service rendered by the member of the Force prior to the time of the misconduct or at which the inefficiency became manifest, to grant a pension, the Minister may recommend accordingly to the Treasury Board and the Governor in Council may on the report of the Treasury Board in such cases grant a pension equal to two-thirds of the pension that might have been granted to him if he had been retired in consequence of permanent infirmity of body or mind until he attains the age of sixty-five years and thereafter to the said pension.”

Application.

(2) This section applies to a member of the Force who, since the 1st day of March, 1949, was retired by reason of his inefficiency in the performance of his duties or by reason of misconduct, but no pension shall be granted to any person under the authority of this subsection in respect of any period prior to the coming into force of this Act.”

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 44.

An Act to amend certain Acts respecting the Superannuation of Government Employees transferred to Crown Corporations.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

CANADIAN BROADCASTING CORPORATION ACT.

1. Section 13 of the *Canadian Broadcasting Corporation Act*, chapter 32 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsection:

"(3) Subsection (1) does not apply in respect of any civil servant appointed to the staff of the Corporation on or after the 1st day of January, 1954, to whom, but for this subsection, subsection (1) would apply, and every such civil servant is deemed, for the purposes of the *Public Service Superannuation Act*, to have ceased to be employed in the Public Service, for a reason other than disability or misconduct, as of the date of his appointment as aforesaid, and to have ceased to be a contributor under the *Public Service Superannuation Act* as of that date."

Application of ss. (1).

CANADIAN OVERSEAS TELECOMMUNICATION CORPORATION ACT.

2. Section 9 of the *Canadian Overseas Telecommunication Corporation Act*, chapter 42 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsection:

"(5) Subsections (3) and (4) do not apply in respect of any person who is appointed or becomes employed under or pursuant to this Act on or after the 1st day of January, 1954, to whom, but for this subsection, subsections (3) and

Application of ss. (3) and (4).

(4) would apply, and every such person is deemed, for the purposes of the *Public Service Superannuation Act*, to have ceased to be employed in the Public Service, for a reason other than disability or misconduct, as of the date of his appointment or employment as aforesaid, and to have ceased to be a contributor under the *Public Service Superannuation Act* as of that date."

GOVERNMENT COMPANIES OPERATION ACT.

3. Section 5 of the *Government Companies Operation Act*, chapter 133 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsection:

Application
of ss. (2)

"(5) Subsection (2) does not apply in respect of any person who becomes employed by a Company on or after the 1st day of January, 1954, to whom, but for this subsection, subsection (2) would apply, and every such person is deemed, for the purposes of the *Public Service Superannuation Act*, to have ceased to be employed in the Public Service, for a reason other than disability or misconduct, as of the date of his employment as aforesaid,¹ and to have ceased to be a contributor under the *Public Service Superannuation Act* as of that date."

Interim
contribu-
tions.

4. Upon the coming into force of this Act or as soon thereafter as possible, the amount of any contributions made by a person under the *Public Service Superannuation Act* in respect of any service of that person with a corporation to which any enactment contained in section 1, 2 or 3 relates since the date, on or after the 1st day of January, 1954, of his appointment or employment as described in that enactment, shall be paid out of the Superannuation Account in the Consolidated Revenue Fund to that person or, in the event of the death of that person prior to such payment, as though the said amount were a return of contributions or other lump sum payment to which, under the *Public Service Superannuation Act*, his widow and children were jointly entitled.

ST. LAWRENCE SEAWAY AUTHORITY ACT.

5. (1) Subsections (1) and (2) of section 21 of the *St. Lawrence Seaway Authority Act*, chapter 242 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

Retirement
from
employment
by
Authority.

"**21.** (1) The following provisions are applicable to every person employed by the Authority who was a contributor under the *Public Service Superannuation Act* immediately prior to his employment by the Authority, and

whose employment by the Authority was entered into with the consent of the Minister of the department or branch of the Public Service in which he was employed, namely:

(a) if that person is retired from employment by the Authority for a reason other than misconduct, and if before his employment by the Authority he was employed in a position to which the *Civil Service Act* applied, he may be appointed to a position to which the *Civil Service Act* applies of a class not lower than the position in which he was so employed; and

(b) if that person is retired from employment by the Authority for a reason other than misconduct, and if before his employment by the Authority he was employed in a position in the Public Service to which the *Civil Service Act* did not apply, he may be appointed to a position in the Public Service to which the *Civil Service Act* does not apply of a class not lower than the class in which he was so employed."

(2) The said Act is further amended by adding thereto, immediately after section 21 thereof, the following section:

"21A. (1) A person to whom the provisions of subsection (1) of section 21 are applicable continues to be a contributor under the *Public Service Superannuation Act* until the coming into operation of a by-law under section 8 establishing a pension fund as described in that section, at which time he ceases to be a contributor under the *Public Service Superannuation Act* and becomes a contributor to the pension fund so established.

Contributors
under *Public
Service
Superannua-
tion Act.*

(2) During any period in which a person who is employed by the Authority continues, pursuant to subsection (1), to be a contributor under the *Public Service Superannuation Act*,

Idem.

(a) the Authority is deemed to be a Public Service corporation within the meaning of section 23 of that Act; and

(b) the person so employed is deemed, for the purposes of the *Public Service Superannuation Act*, to be employed in the Public Service;

and for the purposes of that Act he is deemed to have ceased to be employed in the Public Service, for a reason other than disability or misconduct, as of the date he ceases, pursuant to subsection (1), to be a contributor under that Act.

(3) For the purposes of the *Public Service Superannuation Act*, the Authority is deemed to be a public service employer within the meaning of section 28 of that Act."

Authority
deemed to be
public service
employer

Effect of
addition to
Schedule A,
*Public
Service
Superannua-
tion Act.*

6. Nothing in this Act shall be construed as limiting or restricting the right of the Governor in Council, under subsection (3) of section 30 of the *Public Service Superannuation Act*, to amend Schedule A to that Act by adding thereto the name of The St. Lawrence Seaway Authority, but in the event that the said Schedule is so amended prior to the coming into operation of a by-law under section 8 of the *St. Lawrence Seaway Authority Act* establishing a pension fund as described in that section, subsection (2) of section 5 of this Act is deemed to have been repealed on the day on which that amendment takes effect.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 45.

An Act to amend the Vocational Training Co-ordination Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 286.

1. (1) Paragraphs (a) and (b) of subsection (1) of section 3 of the *Vocational Training Co-ordination Act*, chapter 286 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

“(a) to fit persons for employment for any purpose contributing to the defence of Canada whether in industry or in the armed forces; Minister may undertake projects.

(b) to fit for any gainful employment former members of Her Majesty's Canadian Forces or former members of any of Her Majesty's Forces who were at the time of enlistment domiciled in Canada or any other persons with respect to whom authority for the granting of vocational training is vested in the Minister of Veterans Affairs, if such former members or other persons are approved for such training by such Minister;”

(2) Subsection (1) of section 3 of the said Act is further amended by deleting the word “and” at the end of paragraph (c) thereof, by adding the word “and” at the end of paragraph (d) thereof and by adding thereto the following paragraph:

“(e) to fit persons for employment for any purpose in the national interest that is within the legislative authority of the Parliament of Canada and is approved by the Governor in Council.”

2. (1) Subsection (1) of section 4 of the said Act is amended by deleting the word “and” at the end of paragraph (d) thereof, by repealing paragraph (e) thereof and by substituting the following therefor:

“(e) the development and carrying on of vocational training on a level equivalent to secondary school level;

(f) any training project for the purpose of rehabilitating disabled persons or fitting them for gainful employment; and

(g) any training project to increase the skill or efficiency of persons engaged in agriculture, forestry, mining, fishing or in any other primary industry in Canada, or in homemaking.”

(2) Subsection (2) of section 4 of the said Act is repealed and the following substituted therefor:

Percentage
of cost.

“(2) No agreement made in respect of any of the matters set out in paragraphs (b) to (g) of subsection (1) shall provide for payment to a province of a percentage of the cost of any project, including the cost of any training facilities connected therewith, in excess of the percentage of such cost contributed by the province.”

3. (1) Subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

Chairman
and members.

“6. (1) The Council shall consist of a Chairman and not more than twenty other members.”

(2) Subsection (9) of section 6 of the said Act is repealed and the following substituted therefor:

Travelling
expenses and
per diem
allowance

“(9) The members of the Council shall serve without salary but each member shall be paid his actual travelling expenses that have been incurred with the approval of the Minister in connection with the work of the Council, and may, with the approval of the Minister be paid a per diem allowance fixed by the Governor in Council for each day he is necessarily absent from his home in connection with such work.

Alternate
members.

(10) The Governor General in Council may appoint an alternate member for each member of the Council to hold office for such period, not exceeding three years, as may be determined by the Governor in Council; the alternate member shall be representative of the same group of persons or interests as the member for whom he is appointed as alternate and may, at the request and in the absence of the member for whom he is an alternate, act in the stead of that member, and whenever an alternate member so acts he shall, for all purposes, be deemed to be a member of the Council.”

4. Section 9 of the said Act is repealed and the following substituted therefor:

Officers,
clerks and
employees.

“9. There may be appointed in the manner authorized by law such officers, clerks and other employees as are necessary for the administration of this Act.”

5. Section 11 of the said Act is repealed and the following substituted therefor:

"11. The Minister shall as soon as possible, but in any case within one hundred and twenty days after the termination of each fiscal year, prepare an annual report on the work done, moneys expended and obligations contracted under this Act and shall upon completion thereof lay such report before Parliament if Parliament is then sitting or if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting."

Annual
report.

To be laid
before
Parliament.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 46.

An Act to amend the War Service Grants Act.

[Assented to 10th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 289.

1. Section 9 of the *War Service Grants Act*, chapter 289 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“9. (1) Where a member dies without having used all of the re-establishment credit for which he is eligible under this Act, any unused portion thereof may, in the discretion of the Minister, be made available to

Other persons to whom credit may be made available

(a) the widow of the member, in the case of a male member;

(b) any dependent children of the member, in the case of a male or female member, if the member dies without leaving any widow or widower or if the widow or widower is dead or cannot be found or it appears to the Minister that she or he has abandoned the children; or

(c) the dependent mother of the member, in the case of a male or female member, if there is no person described in paragraph (a) or (b) to whom the said credit may be made available.

(2) For the purposes of this section a child or mother of a member shall be presumed to be a dependent child or mother if, in the opinion of the Minister, such child or mother was, at the time of the member's death, wholly or substantially dependent upon such member for support.

Child or mother presumed dependent.

(3) Any credit made available to the widow, child or mother of a member pursuant to subsection (1) may, with the approval of the Minister, be made available to such other

Credit may be made available to person designated by Minister.

person for the benefit of the widow, child or mother as the Minister designates, in such manner and, in any case where there is more than one child, in such shares as the Minister may determine.

Conditions. (4) No credit shall be made available pursuant to subsection (1)

(a) to the widow of a member after her remarriage, or

(b) to the widow, child or mother of a member, unless he or she is resident in Canada and the Minister is satisfied that the credit will be used for one or more of the purposes specified in section 12.

"Child" defined.

(5) In this section the expression "child" means a child, including a natural child, stepchild or adopted child, who is under twenty-one years of age, or any such child who is twenty-one or more years of age and who is in receipt of a pension under the *Pension Act*."

2. (1) Subsection (1) of section 12 of the said Act is amended by striking out the portion thereof that precedes paragraph (a) and substituting therefor the following:

Purposes for and time within which available.

"12. (1) All or any part of the re-establishment credit may, within a period of fifteen years from the 1st day of January, 1945, or the date of his discharge, whichever is the later, be made available to or for the member of the forces eligible therefor when it is shown to the satisfaction of the Minister that such credit is to be used for".

(2) Subparagraph (ii) of paragraph (a) of subsection (1) of section 12 of the said Act is repealed and the following substituted therefor:

"(ii) not under the *National Housing Act*, in an amount not exceeding two-thirds of the difference between the appraised value of the home as approved by the Minister or the purchase price, whichever is the lower, and the amount of the encumbrance thereon, assumed or created by the member;"

(3) Section 12 of the said Act is further amended by adding thereto, immediately after subsection (2) thereof, the following subsections:

Unused credit may be used to obtain insurance.

"(3) Notwithstanding the provisions of section 3 of the *Veterans Insurance Act* fixing a time within which the Minister may enter into a contract of insurance under that Act, the Minister may enter into a contract of insurance under that Act after the expiration of the time so fixed but within the period of fifteen years referred to in subsection (1) of this section with any member of the forces who, at the time the contract is entered into, has not used all of the

re-establishment credit for which he is eligible under this Act and is otherwise eligible under the *Veterans Insurance Act* for such contract, and upon the making of any such contract there shall be applied against the member's re-establishment credit or the unused portion thereof an amount equal to the amount of the first regular monthly premium payable under the contract or any greater amount that the member, in writing to the Minister, directs to be so applied, except that in no case shall the amount so applied exceed the total amount of the premiums that, under the contract, the member would be required to pay were he to pay those premiums for the full term contemplated by the contract.

"(4) Any amount applied pursuant to subsection (3) against the member's re-establishment credit or the unused portion thereof or any amount made available to a member under subsection (1) for the payment of premiums pursuant to any contract of insurance under the *Veterans Insurance Act* or the *Returned Soldiers' Insurance Act* to which such member is a party shall be held in trust for that member and shall be used for the payment of the premiums referred to in subsection (3) or the premiums referred to in this subsection, as the case may be, as and when they fall due, except that

Amount applied to be held in trust.

(a) if the member requests, in writing to the Minister, that any unused portion specified by him of the amount so held in trust be withdrawn from such use, or

(b) if the member dies or his contract is surrendered as a result of which any portion of the amount so held in trust remains unused,

such unused portion may, subject to this Act, again be made available as though it formed part of his unused re-establishment credit."

3. Section 13 of the said Act is amended by adding thereto the following subsection:

"(2) On and after the 1st day of January, 1960, no member of the forces may become eligible under subsection (1) for a grant of any of the benefits under the *Veterans' Land Act* by virtue of an adjustment made pursuant to subsection (1)."

Time limit for making of adjustments.

4. Section 19 of the said Act is repealed and the following substituted therefor:

"**19.** (1) Payment of any gratuity or grant of any credit authorized by this Act shall be made only upon application therefor by or on behalf of the member of the forces claiming such gratuity or credit, or, in the case of a deceased member, by or on behalf of any person eligible under this Act in respect of such member to receive the gratuity or credit.

Payment to be made only upon application

Time
limit for
applications
for gratuity.

(2) No application under this Act for the payment of a gratuity shall be received after the 31st day of December, 1954, except that any such application made after that date but within the period of fifteen years referred to in subsection (1) of section 12 by or on behalf of, or in respect of, a member whose service included overseas service may be received and acted upon by the Minister if the Minister is satisfied of the existence of circumstances justifying the delay in making the application."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 47.

An Act to amend the Atomic Energy Control Act.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of R.S., c. 11.
the Senate and House of Commons of Canada, enacts
as follows:

1. Paragraphs (c) to (h) of section 2 of the *Atomic Energy Control Act*, chapter 11 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

- (c) "company" means a company incorporated pursuant to paragraph (a) or (c) of subsection (2) of section 10 and any company the direction and control of which is assumed by the Minister pursuant to paragraph (b) of subsection (2) of section 10; "Company."
- (d) "member" means a member of the Board; "Member."
- (e) "Minister" means the Chairman of the Committee of the Privy Council on Scientific and Industrial Research as defined in the *Research Council Act*, or other member of the Queen's Privy Council for Canada designated by the Governor in Council as the Minister for the purposes of this Act; "Minister."
- (f) "President" means the President of the Board; and "President."
- (g) "prescribed substances" means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and any other substances that the Board may by regulation designate as being capable of releasing atomic energy, or as being requisite for the production, use or application of atomic energy." "Prescribed substances."

2. Subsection (2) of section 3 of the said Act is repealed.

3. Sections 6, 7 and 8 of the said Act are repealed and the following substituted therefor:

"6. The Board shall meet at least three times a year in Meetings.
the City of Ottawa on such days as it may determine and

may also meet at such other times and at such places as it may determine.

Duties of
the Board.

"7. The Board shall comply with any general or special direction given by the Minister with reference to the carrying out of its purposes.

Powers of
the Board.

"8. The Board may,

- (a) make rules for regulating its proceedings and the performance of its functions;
- (b) notwithstanding the *Civil Service Act* or any other statute or law appoint and employ such professional, scientific, technical and other officers and employees as the Board deems necessary for the purposes of this Act;
- (c) with the approval of the Minister, fix the tenure of appointment, the duties and, subject to the approval of the Treasury Board, the remuneration, of officers and employees appointed or employed by the Board;
- (d) with the approval of the Minister, disseminate or provide for the dissemination of information relating to atomic energy to such extent and in such manner as the Board may deem to be in the public interest; and
- (e) without limiting the generality of any other provision of this Act, establish, through the National Research Council or otherwise, scholarships and grants in aid for research and investigations with respect to atomic energy, or for the education or training of persons to qualify them to engage in such research and investigations."

4. (1) Section 10 of the said Act is repealed and the following substituted therefor:

Powers of
the Minister.

"10. (1) The Minister may,

- (a) undertake or cause to be undertaken researches and investigations with respect to atomic energy;
- (b) with the approval of the Governor in Council, utilize, cause to be utilized and prepare for the utilization of atomic energy;
- (c) with the approval of the Governor in Council, acquire or cause to be acquired by purchase, lease, requisition or expropriation, prescribed substances and any mines, deposits or claims of prescribed substances and patent rights relating to atomic energy and any works or property for production or preparation for production of, or for research or investigation with respect to, atomic energy; and
- (d) with the approval of the Governor in Council, license or otherwise make available or sell or otherwise dispose of discoveries, inventions and improvements in processes, apparatus or machines, and patent rights

acquired under this Act and collect royalties and fees thereon and payments therefor.

(2) The Minister may, with the approval of the Governor Companies.
in Council,

(a) procure the incorporation of any one or more companies under the provisions of Part I of the *Companies Act* for the objects and purposes of exercising and performing on behalf of the Minister such of the powers conferred on the Minister by subsection (1) as the Minister may from time to time direct,

(b) assume, by transfer of shares or otherwise, the direction and control of any one or more companies incorporated under the provisions of Part I of *The Companies Act, 1934*, or of Part I of the *Companies Act*, all the issued share capital of which is owned by or held in trust for Her Majesty in right of Canada except shares necessary to qualify other persons as directors and may delegate to any such company any of the powers conferred on the Minister by subsection (1), and

(c) procure the incorporation of any one or more companies under the provisions of Part I of the *Companies Act* for the purpose of acquiring, holding and exercising, by share holding or otherwise, control of any one or more companies incorporated pursuant to paragraph (a) or the control of which is assumed by the Minister pursuant to paragraph (b).

(3) The shares, except shares necessary to qualify other persons as directors, of the capital stock of a company incorporated pursuant to paragraph (a) or (c) of subsection (2) or the control of which is assumed by the Minister pursuant to paragraph (b) of subsection (2) shall be owned or held by the Minister, or by another company, in trust for Her Majesty in right of Canada. Shares to be held in trust for Her Majesty.

(4) A company is for all its purposes an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty. Agent of Her Majesty.

(5) A company may on behalf of Her Majesty contract in its corporate name without specific reference to Her Majesty. Contracts.

(6) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by a company on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the company in the name of the company in any court that would have jurisdiction if the company were not an agent of Her Majesty. Proceedings by and against a company.

Operation.

(7) Nothing in this section affects the application to a company of regulations made under section 9."

Transfer of functions.

(2) All powers, duties and functions

(a) vested in or required to be exercised by the Minister of Defence Production in relation to Eldorado Mining and Refining Limited or its subsidiaries, by or under subsection (3) of section 9 of the *Defence Production Act*, or

(b) vested in or required to be performed by the Atomic Energy Control Board in relation to Atomic Energy of Canada Limited, by or under *The Appropriation Act, No. 2, 1952*, or by or under the Agreement made pursuant to that Act,

are deemed to have been transferred to the Minister, as defined in the *Atomic Energy Control Act*, as of the first day of April, 1954, and anything done on or after that day by the Minister of Defence Production in relation to Eldorado Mining and Refining Limited or its subsidiaries or by the Atomic Energy Control Board in relation to Atomic Energy of Canada Limited shall be deemed to have been done by the Minister as so defined.

Transfer of shares.

(3) As soon as conveniently may be after the day on which this Act is assented to, all the issued shares of the capital stock of Eldorado Mining and Refining Limited and of Atomic Energy of Canada Limited, except shares necessary to qualify other persons as directors, shall be transferred to the Minister as defined in the *Atomic Energy Control Act*, in trust for Her Majesty in right of Canada or to a company, as defined in the *Atomic Energy Control Act*, as the said Minister may direct; and the Agreement referred to in subsection (2) and the objects and purposes set out in the Letters Patent incorporating Eldorado Mining and Refining Limited and Atomic Energy of Canada Limited shall be amended in accordance with this section.

Repeal.

5. Subsections (1) and (2) of section 11 of the said Act are repealed.

6. Section 21 of the said Act is repealed and the following substituted therefor:

Annual report.

"21. (1) The Board shall as soon as possible after the 31st day of March in each year and in any event within three months thereof submit to the Minister an annual report in such form as the Minister may prescribe of its affairs and operations during the twelve-month period ending on the 31st day of March and the Minister shall lay the said report before Parliament forthwith, if Parliament is then in session, or, if Parliament is not then in session, within the first fifteen days of the next ensuing session.

To be laid before Parliament.

(2) The Board shall in addition to making an annual report under subsection (1) make to the Minister such other report of its affairs and operations as the Minister may require.” ^{Other reports.}

7. Section 5 of this Act shall be deemed to have come into force on the 1st day of January, 1954, and the remaining sections of this Act shall be deemed to have come into force on the 1st day of April, 1954. ^{Coming into force.}

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 48.

An Act respecting Banks and Banking.

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Bank Act*.

Short title.

INTERPRETATION.

2. (1) In this Act,

(a) "agricultural equipment" means implements, apparatus, appliances and machinery, of any kind usually affixed to real or immovable property, for use on a farm, but does not include a farm electric system;

Definitions.
"Agricultural equipment."

(b) "agricultural implements" means tools, implements, apparatus, appliances and machines, of any kind not usually affixed to real or immovable property, for use on or in connection with a farm, and vehicles for use in the business of farming and, without restricting the generality of the foregoing, includes plows, harrows, drills, seeders, cultivators, mowing machines, reapers, binders, threshing machines, combines, tractors, movable granaries, trucks for carrying products of agriculture, cream separators, churns, washing machines, spraying apparatus, incubators, milking machines, refrigerators and heating and cooking appliances for farming operations or use in the farm home of a kind not usually affixed to real or immovable property;

"Agricultural implements."

(c) "bank" means a bank to which this Act applies;

"Bank."

(d) "bill of lading" includes all receipts for goods, wares and merchandise accompanied by an undertaking

"Bill of lading."

(i) to move the goods, wares and merchandise from the place where they were received to some other place, by any means whatever, or

- (ii) to deliver at a place other than the place where the goods, wares and merchandise were received a like quantity of goods, wares and merchandise of the same or a similar grade or kind;
- "Branch." (e) "branch" includes an agency, the head office and any other office of the bank;
- "Corporation controlled by the bank." (f) "corporation controlled by the bank" means a corporation more than fifty per cent of the issued capital stock of which (having full voting rights under all circumstances) is owned by the bank;
- "Farm." (g) "farm" means land in Canada used for the purpose of farming, which term includes live stock raising, dairying, fruit growing and all tillage of the soil;
- "Farm electric system." (h) "farm electric system" includes all machinery, apparatus and appliances for the generation or distribution of electricity on a farm whether or not affixed to real or immovable property;
- "Farmer." (i) "farmer" includes the owner, occupier, landlord and tenant of a farm;
- "Fish." (j) "fish" includes shell fish, crustaceans and marine animals;
- "Fisherman." (k) "fisherman" means a person whose business consists in whole or in part of fishing;
- "Fishing." (l) "fishing" means fishing for or catching fish by any method;
- "Fishing equipment and supplies." (m) "fishing equipment and supplies" includes equipment, apparatus, appliances and supplies for use in the operation of a fishing vessel and not forming part thereof, or for use in fishing, and without restricting the generality of the foregoing, includes detachable engines and machinery, lines, hooks, trawls, nets, anchors, traps, bait, salt, fuel and stores;
- "Fishing vessel." (n) "fishing vessel" includes any ship or boat or any other description of vessel for use in fishing and equipment, apparatus and appliances for use in the operation thereof and forming part thereof, or any share or part interest therein;
- "Goods, wares and merchandise." (o) "goods, wares and merchandise" includes products of agriculture, products of the forest, products of the quarry and mine, products of the sea, lakes and rivers, and all other articles of commerce;
- "Grain." (p) "grain" includes wheat, oats, barley, rye, corn, buckwheat, flax, beans, and all kinds of seeds;
- "Hydrocarbons." (q) "hydrocarbons" means solid, liquid and gaseous hydrocarbons, and without restricting the generality of the foregoing, includes oil-bearing shale, tar sands, crude oil, petroleum and natural gas;
- "Inspector." (r) "Inspector" means the Inspector General of Banks appointed under this Act;
- "Live stock." (s) "live stock" includes

- (i) horses and other equines,
- (ii) cattle, sheep, goats and other ruminants, and
- (iii) swine, poultry and fur-bearing animals;
- (t) "manufacturer" includes any person who manufactures or produces by hand, art, process or mechanical means any goods, wares and merchandise and, without restricting the generality of the foregoing, includes a manufacturer of logs, timber or lumber, maltster, distiller, brewer, refiner and producer of petroleum, tanner, curer, packer, canner and bottler; "Manufacturer."
- (u) "Minister" means the Minister of Finance; "Minister."
- (v) "president" does not include an honorary president; "President."
- (w) "products of agriculture" includes "Products of agriculture."
 - (i) grain, hay, roots, vegetables, fruits, other crops and all other direct products of the soil, and
 - (ii) honey, maple products, live stock (whether alive or dead), dairy products, eggs and all other indirect products of the soil;
- (x) "products of the forest" includes "Products of the forest."
 - (i) logs, bark, pulpwood, piling, spars, railway ties, poles, pit props and all other timber,
 - (ii) boards, laths, shingles, deals, staves and all other lumber, and
 - (iii) skins and furs of wild animals;
- (y) "products of the quarry and mine" includes stone, clay, sand, gravel, metals, ores, coal, salt, precious stones, metalliferous and non-metallic minerals and hydrocarbons, whether obtained by excavation, drilling or otherwise; "Products of the quarry and mine."
- (z) "products of the sea, lakes and rivers" includes "Products of the sea, lakes and rivers."
 - fish of all kinds, marine and fresh water organic and inorganic life and any substances extracted or derived from any water;
- (aa) "recorded address" means "Recorded address."
 - (i) in relation to a person as a shareholder, his last known post office address according to the share register of the bank, and
 - (ii) in relation to a person in any other respect, his last known post office address according to the records of the branch concerned;
- (ab) "securities" includes "Securities."
 - (i) bonds, debentures and obligations of or guaranteed by governments, corporations or unincorporated bodies, whether such corporations and unincorporated bodies are governmental, municipal, school, ecclesiastical, commercial or other, secured on real or personal, immovable or movable property or unsecured, and rights in respect of such bonds, debentures and obligations,

- (ii) shares of capital stock of corporations and rights in respect of such shares,
- (iii) equipment trust certificates or obligations, and
- (iv) all documents, instruments and writings commonly known as securities,

whether issued within or outside Canada;

"Warehouse receipt."

(ac) "warehouse receipt" includes

- (i) any receipt given by any person for goods, wares and merchandise in his actual, visible and continued possession as bailee thereof in good faith and not as of his own property,
- (ii) receipts given by any person who is the owner or keeper of a harbour, cove, pond, wharf, yard, warehouse, shed, storehouse or other place for the storage of goods, wares and merchandise, for goods, wares and merchandise delivered to him as bailee, and actually in the place or in one or more of the places owned or kept by him, whether such person is engaged in other business or not,
- (iii) receipts given by any person in charge of logs or timber in transit from timber limits or other lands to the place of destination of such logs or timber,
- (iv) Lake Shippers Clearance Association receipts and all documents recognized by the *Canada Grain Act* as warehouse receipts, and
- (v) receipts given by any person for any hydrocarbons received by him as bailee, whether his obligation to restore requires delivery of the same hydrocarbons or may be satisfied by delivery of a like quantity of hydrocarbons of the same or a similar grade or kind.

Products and by-products.

(2) For the purposes of this Act, each thing included in paragraphs (s), (w), (x), (y) and (z) of subsection (1) comprises that thing in any form or state and any part thereof and any product or by-product thereof or derived therefrom.

Public notice, how given.

3. (1) Where by this Act any public notice is required to be given the notice shall, unless otherwise specified, be given by advertisement

- (a) in one or more newspapers published at the place where the head office of the bank is situate, and
- (b) in the *Canada Gazette*.

Sufficiency of publication.

(2) Where by this Act a notice is required to be published in a newspaper for four weeks or any longer period, publication each week in a weekly newspaper, or once a week during the period in a newspaper published more frequently, is a sufficient publication for the purposes of this Act.

Notice of call.

(3) Where by this Act notice of any call is required to be given to the shareholders the notice is, unless otherwise

specified, sufficiently given by mailing the notice, registered and post paid, to the recorded address of the respective shareholders at least thirty days prior to the day on which the call is payable.

APPLICATION.

4. This Act applies to

(a) each bank enumerated in Schedule A,

(b) an amalgamated bank as specified in subsection (5) of section 100,

and does not apply to any other bank.

Banks to which Act applies.

5. Each bank enumerated in Schedule A is a body politic and corporate and this Act is its charter.

Act is charter

6. Subject to this Act,

(a) if Parliament sits on at least twenty days during the month of June, 1964, the bank may carry on the business of banking until the 1st day of July, 1964, and no longer, and

(b) if Parliament does not sit on at least twenty days during the month of June, 1964, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer.

Duration of authority to carry on business.

7. Subject to this Act, the authorized capital stock of the bank divided into shares of ten dollars each, the name of the bank, the additional name under which it is authorized to carry on business, and the place where its head office is situate, shall be as specified in Schedule A with respect to the bank.

Head office and capital stock.

INCORPORATION AND ORGANIZATION OF BANKS.

8. The authorized capital stock of the bank, the name of the bank, the additional name under which it is authorized to carry on business, the place where its head office is to be situated, and the names of the provisional directors, shall be declared in the Act of incorporation of the bank.

Particulars of Act of incorporation.

9. Except as provided in this Act, an Act of incorporation of a bank in the form set forth in Schedule B shall be construed to confer upon the bank thereby incorporated all the powers, privileges and immunities, and to subject it to all the liabilities and provisions set forth in this Act.

Form thereof.

10. The authorized capital stock of the bank shall not be less than one million dollars, and shall be divided into shares of ten dollars each.

Capital stock and shares.

Provisional
directors.

11. (1) The number of provisional directors shall be not less than five.

Qualification.

(2) A person is not eligible to be a provisional director unless he is a subscriber of stock of the bank for and on his own behalf, so as to become the absolute and sole owner in his individual right of such stock, and not as trustee or in the right of another, on which subscription not less than

(a) three thousand dollars have been paid up, when the paid-up capital stock of the bank is one million dollars or less,

(b) four thousand dollars have been paid up, when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars, or

(c) five thousand dollars have been paid up, when the paid-up capital stock of the bank exceeds three million dollars;

except that in the case of not more than one-quarter of the number of provisional directors the minimum requirements of subscriptions to stock in paragraphs (a), (b) and (c) shall be reduced to fifteen hundred dollars, two thousand dollars and twenty-five hundred dollars respectively.

Tenure of
office.

(3) The provisional directors hold office until directors are elected by the subscribers to the stock as provided in this Act.

Opening of
stock
books.

12. (1) For the purpose of organizing the bank, the provisional directors shall, after giving ten days' public notice thereof, cause stock books to be opened, in which shall be recorded the subscriptions of the persons who have subscribed for shares of the capital stock of the bank.

Where.

(2) The stock books shall be opened at the place where the head office of the bank is to be situated, and elsewhere in the discretion of the provisional directors.

Particulars
entered.

(3) Each subscriber shall, at the time of subscription, give his post office address and description, and these particulars shall appear in the stock books in connection with the name of the subscriber and the number of shares subscribed for.

Time stock
books open.

(4) The stock books may be kept open for such time as the provisional directors deem necessary.

Recovery of
unpaid
subscrip-
tions.

(5) In case of the non-payment of any instalment or other sum payable by a subscriber on account of his subscription, the provisional directors may, in the corporate name of the bank, sue for, recover, collect and get in any such instalment or sum.

First meeting
of sub-
scribers.

13. (1) When, in accordance with this Act,

(a) a sum of not less than one million dollars of the capital stock of the bank has been subscribed,

(b) payments in money on account of the subscriptions, making a total of not less than five hundred thousand dollars, have been made by the subscribers, and

(c) the provisional directors have out of the subscriptions paid to the Minister the sum of five hundred thousand dollars,

the provisional directors shall, by public notice published for at least four weeks and by notice mailed to each subscriber at his recorded address at least ten days prior to the date of the meeting, call a meeting of the subscribers, to be held at the place named in the Act of incorporation as the head office of the bank, at such time and at such place as is set forth in the notice.

(2) For the purposes of subsection (1), a subscription shall be deemed not to have been made unless and until payment in money equal to at least ten per cent of the amount subscribed has been made on account of such subscription by the subscriber, and such payment, with the date thereof, shall be entered on the stock books opposite to such subscription.

When subscription deemed to be made.

(3) The subscribers shall, at the first meeting,

(a) determine the day upon which the first annual general meeting of the shareholders is to be held,

(b) elect such number of duly qualified directors, not less than five, as they think necessary, to hold office until the first annual general meeting of the shareholders, and

(c) provide for the method of filling vacancies in the board of directors until the first annual general meeting of the shareholders,

and each subscriber is entitled at such meeting to one vote for each ten dollars paid on account of his subscription.

Business at first meeting.

(4) Upon the election of directors in accordance with this section the provisional directors cease to hold office.

Provisional directors cease.

14. (1) The bank shall not commence the business of banking until it has obtained from the Treasury Board a certificate permitting it to do so.

Permission to commence business.

(2) No application for the certificate shall be made until directors have been elected in accordance with this Act.

No certificate until directors elected.

15. (1) At the time of the application for the certificate there shall be submitted to the Treasury Board a sworn statement setting forth the several sums of money paid or to be paid by the bank in connection with the incorporation and organization of the bank.

Statement of payments by provisional directors.

(2) Prior to the time at which the certificate is given no payments on account of incorporation and organization expenses shall be made out of moneys paid in by subscribers except reasonable sums for the payment of clerical assistance,

To what limited.

legal services, office expenses, advertising, stationery, postage and expenses of travel, if any.

When certificate may be granted.

16. (1) No certificate shall be given by the Treasury Board until it has been shown to the satisfaction of the Treasury Board, by affidavit or otherwise, that

- (a) the directors have been duly elected,
- (b) the provisions of this Act relating to subscription and payment for capital stock have been complied with,
- (c) the payment required by this Act to be made to the Minister has been made and that the sum so paid is then held by the Minister,
- (d) all requirements of this Act antecedent to the granting of the certificate have been complied with, and
- (e) the expenses of incorporation and organization to be borne by the bank are reasonable.

Within one year.

(2) No certificate shall be given by the Treasury Board except within one year from the passing of the Act of incorporation of the bank applying for the certificate.

If certificate not granted, powers to cease.

17. (1) If the bank does not obtain a certificate from the Treasury Board within one year from the time of the passing of its Act of incorporation, all the rights, powers and privileges conferred on the bank by its Act of incorporation thereupon cease and determine, and are of no force or effect.

Ordinary disbursements allowed, but other expenses subject to resolution.

(2) If subscriptions have in whole or in part been paid, but no certificate from the Treasury Board has been obtained within the time limited by subsection (1), no part of the money so paid, or interest earned thereon, shall be disbursed for commissions, salaries, charges for services or for other purposes, except a reasonable amount for payment of clerical assistance, legal services, office expenses, advertising, stationery, postage and expenses of travel, if any, unless it is so provided by resolution of the subscribers at a meeting convened after notice, at which the greater part of the money so paid is represented by subscribers or by proxies of subscribers; and each subscriber is entitled at such a meeting to one vote for each ten dollars paid on account of his subscription.

Application to court to settle disbursements.

(3) If the amount allowed by the resolution for the disbursements mentioned in subsection (2) is deemed insufficient by the directors, or if no resolution for such purpose is passed after a meeting has been duly called, the directors may apply to a judge of any superior or county court having jurisdiction where the head office of the bank is fixed by its Act of incorporation, to settle and determine the amounts to be disbursed out of such money and interest, if any, before distribution of the balance to the subscribers.

(4) Notice of the meeting and notice of the application referred to in subsections (2) and (3) respectively shall be given by sending the notice by registered post, at least twenty-one days prior to the date fixed for such meeting or the hearing of the application, to the subscribers at their recorded addresses; and each of the notices shall contain a statement of the amounts for disbursements that it is proposed shall be provided by resolution or settled and determined by a judge.

Notice of meeting and application to court.

(5) At the meeting held pursuant to this section votes of subscribers may be given by proxy if the holder of the proxy is a subscriber, and at any application to a judge pursuant to this section, subscribers may be heard in person or by counsel.

Voting; hearing.

(6) In order that the sums paid and payable under this section may be equitably borne by the subscribers, the directors shall, after the amount of such sums is ascertained as provided in this section, fix the proportionate part thereof chargeable to each subscriber at the ratio of the number of shares in respect of which he is a subscriber to the total number of shares subscribed.

Ratio payable by subscribers.

(7) The respective amounts fixed under subsection (6) shall, before return to the subscriber of the sums paid in by him, be deducted therefrom, and if the respective sums paid in by each subscriber are not as much as the amounts so fixed, then the deficiency in each case shall be payable forthwith by the subscriber to the directors.

Payment of deficiency.

(8) The total of the deficiencies mentioned in subsection (7) that the directors are unable to get in or collect in what seems to them a reasonable time shall, with any legal costs incurred, be deducted by them from the sums then remaining in their hands to the credit of the several subscribers in the ratio mentioned in subsection (6), the shares in respect of which no such collections have been made being eliminated from the basis of calculation.

Deductions.

(9) The directors, after payment by them of the sums payable under this section, shall return to the subscribers, with any interest earned thereon, the respective balances of the moneys paid in by the subscribers.

Return of excess to subscribers.

18. (1) Upon the issue of the certificate by the Treasury Board, the Minister shall forthwith pay to the bank the amount of money deposited with him without interest.

Payment of deposit if certificate issued.

(2) If no certificate is issued by the Treasury Board within the time limited for the issue thereof, the amount deposited with the Minister shall be returned to the bank for distribution in the manner provided by this Act, and in no case is the Minister under any obligation to see to the proper application in any way of the amount so returned.

If no certificate issued.

INTERNAL REGULATIONS.

Shareholders.

By-laws.

19. (1) Subject to this Act, the shareholders of the bank may make by-laws with respect to the following matters, namely:

- (a) the day upon which the annual general meeting of the shareholders shall be held, which shall be a day not more than fifteen months after the holding of the last annual general meeting;
- (b) the record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be produced and recorded prior to a meeting in order to entitle the holder to vote thereon;
- (c) the number of the directors, which shall be not less than five, and the quorum thereof, which shall be not less than three;
- (d) the qualifications of directors;
- (e) the method of filling vacancies in the board of directors;
- (f) the time and proceedings for the election of directors in case of a failure of any election on the day appointed for it;
- (g) the remuneration of the president, vice-president and other directors;
- (h) the amount of discounts or loans that may be made to directors, either jointly or severally, or to any one person, or to any shareholder; and
- (i) the establishment of guarantee and pension funds for the officers and employees of the bank and their families, and the making of contributions thereto out of the funds of the bank.

Copy of
by-laws to
be sent to
shareholders.

(2) A copy of the by-laws in force on the 1st day of July, 1958, in respect of the matters set out in subsection (1), together with a copy of this section, shall, before the 31st day of December, 1958, be mailed to each shareholder at his recorded address; and after the 1st day of July, 1958, within six months after the end of each successive five-year period, a copy of the by-laws, in respect of the said matters in force at the end of each such period, shall be so mailed.

When by-laws
may be made.

(3) By-laws authorized by this Act may be made by the shareholders at any annual general meeting or at any special general meeting duly called for the purpose.

Existing
by-laws
continued.

(4) Until it is otherwise prescribed by by-law under this Act, the by-laws of the bank with respect to any matter set out in subsection (1) remain in force.

Voting by
corporate
shareholders.

(5) At every annual general meeting the shareholders of the bank shall appoint a person to vote in the name of the bank at meetings of the shareholders of each corporation controlled by the bank in whose name the bank carries on any of its operations.

Directors.

20. The bank shall be under the management of a board of directors elected or appointed in accordance with this Act. Management.

21. (1) A person is not eligible to be a director unless he holds stock of the bank as the absolute and sole owner thereof in his individual right and not as trustee or in the right of another, on which not less than Qualification of directors.

(a) three thousand dollars, or such greater amount as the by-laws require, have been paid up, when the paid-up capital stock of the bank is one million dollars or less,

(b) four thousand dollars, or such greater amount as the by-laws require, have been paid up, when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars, or

(c) five thousand dollars, or such greater amount as the by-laws require, have been paid up, when the paid-up capital stock of the bank exceeds three million dollars;

except that in the case of not more than one-quarter of the number of directors the minimum requirements of subscriptions to stock in paragraphs (a), (b) and (c) shall be reduced to fifteen hundred dollars, two thousand dollars, and twenty-five hundred dollars respectively.

(2) A majority of the directors shall be subjects of Her Majesty ordinarily resident in Canada. Majority to be subjects of Her Majesty.

(3) The election or appointment of any person as a director is void if the composition of the board of directors would as a result thereof fail to comply with subsection (2). Idem.

(4) A person is not eligible to be elected or appointed a director after the first day of July, 1959, if he has reached the age of seventy-five years. Age of directors.

22. (1) The directors shall be elected by the shareholders at the annual general meeting. Election of directors.

(2) The election shall take place at the place where the head office of the bank is situate. At head office.

(3) Public notice of the annual general meeting shall be given by the directors by publishing the notice, for at least four weeks prior to the time of holding the meeting, in a newspaper published at the place where the head office of the bank is situate, and by mailing a copy of the notice to each shareholder at his recorded address at least twenty days prior to the time of holding the meeting. Notice.

(4) The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be the directors, but if at any election two or more persons have an equal number of votes, and there are not sufficient vacancies remaining in the board of directors to enable all Who shall be directors.

Equality of
votes.

the persons having an equal number of votes to be elected, the directors who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the persons so having an equal number of votes shall be a director or directors.

Removal of
director.

23. (1) The shareholders may, at any special general meeting of the shareholders called for the purpose, remove any director.

Disqualifica-
tion of
director.

(2) A director ceases to be a director if

- (a) he ceases to fulfil the requirements of subsection (1) of section 21 with respect to holdings of stock, or
- (b) he ceases to be a subject of Her Majesty ordinarily resident in Canada and as a result thereof the composition of the board of directors ceases to comply with subsection (2) of section 21.

Election of
president and
vice-
president.
Chairman of
board and
honorary
president
To remain
directors.

24. (1) The directors shall elect by ballot from their number, a president and one or more vice-presidents.

(2) The directors may elect by ballot from their number, a chairman of the board of directors and an honorary president.

(3) A person elected to an office under this section ceases to hold that office if he ceases to be a director.

Filling of
vacancies.

25. (1) Where a vacancy occurs in the board of directors, it shall be filled in the manner prescribed in the by-laws.

Majority to
be subjects
of Her
Majesty.

(2) Where by reason of a vacancy in the board of directors the composition of the board fails to comply with subsection (2) of section 21, the directors shall, if the vacancy has not within sixty days of the occurrence thereof been filled under subsection (1), forthwith fill the vacancy.

Power of
remainder to
etc.

(3) A vacancy in the board of directors does not impair the right of the remaining directors to act.

Vacancy in
presidency
or vice-
presidency.

26. When a vacancy occurs in the office of the president or vice-president, the directors shall, from their number, elect a president or a vice-president.

Postponed
elections.

27. Where an election of directors is not made on the day appointed for that purpose, the election may take place on any other day, according to the by-laws, and, subject to this Act, the directors in office on the day appointed for the election of directors remain in office until new directors are elected or appointed.

Meetings of
directors

28. (1) The chairman of the board, if any, or the president, or in their absence, a vice-president, shall preside at all meetings of the directors.

Temporary
chairman.

(2) Where at any meeting of the directors the chairman of the board, if any, the president and vice-president are

absent, one of the directors present, chosen to act *pro tempore*, shall preside.

(3) The person so presiding has a vote as a director, and if there is an equal division on any question, also has a casting vote.

29. A record shall be kept of the attendance at each meeting of directors, and a summary thereof for the twelve months immediately preceding the notice showing the total number of directors' meetings held and the number attended by each director, shall be sent to each shareholder with the notice of the annual general meeting; the summary may state the nature and extent of the services rendered by any director who, by reason of residing at a place remote from the head office of the bank, has been unable to attend meetings of directors.

Record of attendance.

30. (1) The directors shall administer the affairs of the bank and may make by-laws with respect to any matter except a by-law increasing the aggregate of the amounts, fixed by a shareholders' by-law, to be paid to the president, vice-president and other directors as remuneration.

General powers of directors.

(2) Subject to subsection (3), where a by-law made under subsection (1) provides for a matter that the shareholders may provide for by by-law, the by-law, to the extent that it so provides, ceases to have effect at the conclusion of the annual general meeting of the shareholders next ensuing after it is made unless it is confirmed by the shareholders.

Confirmation of directors' by-laws.

(3) Where a special general meeting, called for the purpose of confirming a by-law made under subsection (1) or called for that and any other purpose, is held before the next following annual general meeting, the by-law ceases to be in force at the date of the special general meeting unless it is confirmed at that special general meeting, and subsection (2) does not apply to a by-law that is so confirmed.

Idem.

(4) All by-laws of the bank lawfully made and in force with regard to any matter respecting which the directors may make by-laws under this section, remain in force until they are repealed or altered by other by-laws made under this Act.

Existing by-laws continued.

31. The directors may appoint as many officers and employees as they consider necessary for carrying on the business of the bank, and may authorize any officer of the bank to make such of these appointments as they may deem expedient.

Appointment of officers and employees.

32. Officers and employees appointed under section 31 may be paid such salaries and allowances as the directors or appointing officer determine.

Salaries.

Meetings of Shareholders.

Special
general
meetings.

33. A special general meeting of the shareholders of the bank may be called at any time by

- (a) the directors of the bank or any four of them, or
- (b) any number not less than twenty-five of the shareholders, acting by themselves or by their proxies, who are together owners of at least one-tenth of the paid-up capital stock of the bank;

the directors or shareholders shall give six weeks' previous public notice of the meeting, specifying therein the object of the meeting, and the meeting shall be held at the place where the head office of the bank is situate.

One vote
for each
share.

34. (1) Every shareholder has, on all occasions on which the votes of the shareholders are taken, one vote for each share held by him for at least thirty days immediately before the time of the meeting.

Ballot.

(2) In all cases when the votes of the shareholders are taken, the voting shall be by ballot.

Majority to
determine.

(3) All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes of the shareholders present or represented by proxy.

Casting
vote.

(4) The chairman elected to preside at any meeting of the shareholders shall vote as a shareholder only, unless there is a tie, in which case, except as to the election of a director, he has a casting vote.

Joint
holders of
shares.

(5) Where two or more persons are joint holders of shares, any one of the joint holders may be authorized, by power of attorney from the other joint holder or holders, or a majority of them, to represent the shares and to vote accordingly.

Proxies.

(6) Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to vote or act as proxy.

Idem.

(7) Neither the general manager nor any officer or employee subordinate to the general manager shall hold a proxy for the purpose of voting.

Renewal of
proxies.

(8) No appointment of a proxy to vote at a meeting of the shareholders of the bank is valid for that purpose unless it has been made or renewed in writing within the twelve months immediately preceding the time of the meeting.

Calls must
be paid
before voting.

(9) No shareholder shall vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors that are then due and payable.

CAPITAL STOCK.

- 35.** (1) The authorized capital stock of the bank may be increased by by-law of the shareholders. Increase of capital.
- (2) No by-law under this section comes into operation or has force or effect until a certificate approving thereof has been issued by the Treasury Board. Approval of Treasury Board.
- (3) No certificate shall be issued by the Treasury Board under subsection (2) unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Treasury Board that a copy of the by-law, together with notice of intention to apply for the certificate, has been published for at least four weeks in the *Canada Gazette*, and in one or more newspapers published in the place where the head office of the bank is situate. Conditions for approval.
- (4) Nothing in this section shall be construed to prevent the Treasury Board from refusing to issue the certificate. Treasury Board may refuse.
- 36.** Any of the original unsubscribed capital stock or of the increased capital stock shall be offered to the persons who are shareholders according to the books of the bank when the offer is made, pro rata, at such price not less than par, at such time and on such terms as the directors determine, except that Offer of shares of capital stock.
- (a) the price of the stock shall be paid in money,
 - (b) payment shall not be required in greater amounts or at shorter intervals than ten per cent of the price every thirty days,
 - (c) the directors shall not fix a price that would make the premium, if any, payable on the stock so offered greater in relation to the par value of the stock than the rest account then is in relation to the paid-up capital stock,
 - (d) no share need be offered to a shareholder whose recorded address is in a country outside Canada, where, to the knowledge of the directors, the offer ought not to be made unless the appropriate authority in that country is furnished with information other than that contained in the statement submitted to the shareholders at the last annual general meeting and in any return under section 103 made by the bank after that meeting and more than sixty days before the date of the offer, but the directors may offer shares to such a shareholder or may in lieu of such an offer provide for him such rights in respect of shares as the directors determine, and such offers of shares or provision of rights may, subject to paragraphs (a), (b), (c) and (e), be on terms different except as to price from those

of the offer to or provision for shareholders whose recorded address is elsewhere than in such country, and

(e) no fraction of a share shall be offered and no rights in respect of a fraction of a share shall be provided.

Notice of offer.

37. The offer shall be mailed to the shareholder at his recorded address and the directors shall, in the offer, fix a date, not earlier than the ninetieth day after the day on which the offer is mailed, by which the offer is to be accepted by the shareholder or, unless the directors have prohibited the transfer of the rights under the offer, by any transferee thereof.

Disposal of shares not subscribed or offered.

38. (1) Where, under section 36,

(a) shares are offered but not subscribed for or rights in respect of shares are provided but not exercised, or

(b) shares or fractions of shares are not offered and rights in respect thereof are not provided

such shares may be disposed of in such manner and on such terms as the directors determine, except that no share shall be sold at less than par.

Distribution of proceeds.

(2) If the average net proceeds per share of the disposal of shares under subsection (1) exceeds the price per share fixed by the directors under section 36, there shall be paid,

(a) to each shareholder to whom shares were offered but not subscribed for or for whom rights in respect of shares were provided but not exercised, the amount of such excess multiplied by the number of such shares,

(b) to each shareholder to whom shares were not offered by reason of paragraph (d) of section 36 and for whom rights in respect of shares were not provided in lieu thereof, the amount of such excess multiplied by the number of such shares, and

(c) to each shareholder to whom a fraction of a share was not offered and for whom rights in respect of a fraction of a share were not provided by reason of paragraph (e) of section 36, the amount of such excess multiplied by such fraction.

Stock books.

39. For the purpose of disposing of shares under section 36 or 38, the directors shall cause stock books to be opened at the head office of the bank and elsewhere in their discretion and each person acquiring shares who, prior to the time of acquisition, is not a shareholder shall, at that time, give his post office address and description and these particulars shall appear in the stock books in connection with the name of the person and the number of shares acquired.

40. Notwithstanding any other Act, the amount or value of any money, benefit or advantage received by a shareholder as the result of an offer, allotment or distribution pursuant to sections 36 and 38 shall not be included in computing the income of the shareholder.

Allotment of shares not income.

41. (1) The paid-up capital stock of the bank may be reduced by by-law of the shareholders.

Reduction of capital.

(2) No by-law under this section comes into operation or has force or effect until a certificate approving thereof has been issued by the Treasury Board.

Approval of Treasury Board.

(3) No certificate shall be issued by the Treasury Board under subsection (2) unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Treasury Board that

Conditions for approval.

(a) the shareholders voting for the by-law represent a majority of all the shares then issued by the bank, and

(b) a copy of the by-law, together with notice of intention to apply to the Treasury Board for the certificate, has been published for at least four weeks in the *Canada Gazette*, and in one or more newspapers published in the place where the head office of the bank is situate.

(4) In addition to evidence of the passing of the by-law, and of the publication thereof in the manner provided in this section, statements showing

Statements to be submitted to Treasury Board.

(a) the number of shares issued,

(b) the number of shares held by each shareholder represented at the meeting at which the by-law passed,

(c) the number of shareholders who voted for the by-law,

(d) the assets and liabilities of the bank, and

(e) the reason and causes why the reduction is sought, shall be laid before the Treasury Board at the time of the application for the issue of a certificate approving the by-law.

(5) Nothing in this section shall be construed to prevent the Treasury Board from refusing to issue the certificate.

Treasury Board may refuse.

(6) The passing of the by-law, and any reduction of the capital stock of the bank thereunder, does not in any way diminish or interfere with the liability of the shareholders of the bank for unpaid subscriptions for shares at the time of the issue of the certificate approving the by-law.

Not to affect liability for unpaid subscriptions.

(7) The paid-up capital stock shall not be reduced below the amount of five hundred thousand dollars.

Limit of reduction.

SHARES AND CALLS.

42. The shares of the capital stock of the bank are personal property.

Shares personalty.

Calls on
shares.

43. (1) The directors may make such calls of money from the several shareholders for the time being, upon the amounts remaining unpaid in respect of the shares subscribed for by them respectively, as they find necessary.

Number.

(2) Any number of calls may be made by one resolution.

Time of
payment.

(3) Calls shall be payable at intervals of not less than thirty days.

Notice.

(4) Notice of calls shall be given to the shareholders.

Amount.

(5) Subject to this Act, no call shall exceed ten per cent of the amount subscribed in respect of each share.

Calls when
capital lost.

44. (1) Where any part of the paid-up capital is lost, the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders in an amount equal to the amount of the loss or the amount of the subscription price of the stock remaining unpaid, whichever is the lesser.

Report to
Minister.

(2) The directors shall forthwith report to the Minister the amount of any loss to which this section refers and the calls, if any, made in respect thereof.

Recovery of
calls.

45. In case of the non-payment of a call or of an instalment under a subscription for shares, the directors may, in the corporate name of the bank, sue for and recover the amount of the call or instalment, or may declare the shares in respect of which default is made to be forfeited to the bank in accordance with section 46.

Forfeiture of
shares for
non-payment
of calls.

46. (1) Where a shareholder fails to pay an instalment or call upon his shares of the capital stock of the bank when it is due, and thereafter fails to make the payment on or before a day fixed in a notice directed to him in accordance with the by-laws or a resolution of the directors, the directors may, by resolution, in their discretion, declare forfeited the shares in respect of which the payment is in default.

Sale of
forfeited
shares.

(2) Shares declared forfeited under subsection (1) become, by such declaration, the property of the bank, and the directors shall, before the expiry of six months from the declaration, sell them to such persons, in such manner and on such terms as they may determine.

Liability of
former
shareholder.

(3) Notwithstanding the forfeiture of shares under this section, the shareholder who immediately prior to the forfeiture was the holder of the shares, continues to be liable to the bank for the amount of the subscription price of the shares that was unpaid at the time of forfeiture, less such amounts as are subsequently received by the bank in respect of the shares.

47. In any action brought to recover any money due on any instalment or call, it is not necessary to set forth the special matter in the declaration or statement of claim, but it is sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the capital stock of the bank, and that he is indebted to the bank for instalments or calls upon such share or shares, in the sum to which the instalments or calls amount, as the case may be, stating the amount and number of the instalments or calls, and it is not necessary, in any such action, to prove the appointment of the directors.

Recovery by action.

Allegations.

TRANSFER AND TRANSMISSION OF SHARES.

48. (1) Unless otherwise provided by by-law, no transfer of the shares of the capital stock of the bank is valid unless

Transfer of shares.

(a) it was made and registered in the books kept for that purpose and the post office address and description of the transferee is entered in such books, and

(b) the person making the transfer has, if required by the bank, previously discharged all his debts or liabilities to the bank that exceed in amount the then market value of the remaining shares, if any, belonging to such person.

(2) No fraction of a share is transferable.

Fraction of share not transferable.

(3) The bank may open and maintain in any province in Canada in which it has resident shareholders and in which it has one or more branches, a share-registry office, to be designated by the directors, at which the shares of the shareholders resident within the province shall be registered and at which, and not elsewhere, except as provided in this Act, such shares may be validly transferred.

Share register office may be opened in each province.

(4) Shares of persons who are not resident in Canada or in any province in which there is a branch of the bank may be registered and are transferable at the head office of the bank or elsewhere, as the directors may designate.

Register and transfer of shares.

(5) Whenever there is a change in the ownership of shares, and the new shareholder resides in a province other than that in which the former shareholder resided, and whenever there is a change in the residence of a shareholder from one province to another, or whenever a shareholder residing outside of Canada becomes a resident of a province in Canada, the registration of the shares shall be changed to the registry of the province in which the shareholder has his residence, if there is a branch of the bank in that province and a share-registry has been opened in that province, and the shares of such shareholder are thereafter transferable at such registry and not elsewhere, except as provided in this Act.

When change of residence.

Where shareholder deemed resident.

(6) For the purposes of this section, a shareholder shall be deemed to be resident in the province of his recorded address as a shareholder.

Agents.

(7) The directors may appoint such agents for the purposes of this section as they deem necessary.

List of transfers

49. A list of all transfers of shares registered each day in the books of the bank at the respective places where transfers are made or recorded, showing in each case the parties to such transfers and the number of shares transferred, shall be made up at the end of each day, and such lists shall be kept at the said respective places for the inspection of the shareholders.

Requirements for valid transfer.

50. (1) Unless under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, all sales or transfers of shares, and all contracts and agreements in respect thereof, made or purporting to be made, are null and void, if the person making the sale or transfer, or the person in whose name or behalf the sale or transfer is made, at the time of the sale or transfer,

(a) is not the registered owner in the books of the bank of the share or shares so sold or transferred, or intended or purporting to be sold or transferred, or

(b) has not the registered owner's assent to the sale or transfer.

Purchaser's rights preserved.

(2) Nothing in subsection (1) affects the rights and remedies, under any contract of sale that does not comply with the conditions and requirements mentioned in that subsection, of any purchaser who has no knowledge of such non-compliance.

Transfer to be recorded.

(3) Where under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, no transfer of shares, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, is, until entry thereof has been duly made in a book of the bank in which the transfer may be recorded, valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and if absolute of rendering any transferee jointly and severally liable with the transferor to the bank and to its creditors.

Delivery of certificate a valid transfer.

(4) Notwithstanding subsection (3), the delivery of any certificate for fully paid shares, with a duly executed transfer endorsed thereon or delivered therewith, constitutes a valid transfer of the shares comprised therein, if such shares are listed on any recognized stock exchange at the time of such delivery, but, until entry of such transfer is duly made in a book of the bank in which the transfer may be recorded,

the bank may treat the person in whose name the shares comprised in the said certificate stand on the books of the bank as being solely entitled to receive notice of and vote at meetings of shareholders and to receive any payments in respect of such shares whether by way of dividends or otherwise.

51. (1) When any share of the capital stock has been sold under a writ of execution, the officer by whom the writ was executed shall, within thirty days after the sale, leave with the bank an attested copy of the writ, with the certificate of such officer endorsed thereon, certifying to whom the sale has been made. Sale of shares under execution.

(2) The president, a vice-president or the general manager of the bank shall execute the transfer to the purchaser of a share sold under a writ of execution, but not until after all debts and liabilities to the bank of the holder of the share, and all liens in favour of the bank existing thereon, have been discharged. Transfer, how executed.

(3) A transfer executed under subsection (2) is as valid and effectual in law as if it had been executed by the holder of the share. Validity.

52. (1) Where the interest in any share of the capital stock is transmitted by or in consequence of Transmission of shares.

(a) the death, lunacy, bankruptcy, or insolvency of any shareholder,

(b) the marriage of a female shareholder, or

(c) any lawful means, other than a transfer according to this Act,

the transmission shall be authenticated by a declaration in writing as provided in this section or in such other manner as the directors of the bank require. How authenticated.

(2) Every declaration shall distinctly state the manner in which and the person to whom the share has been transmitted, and shall give his post office address and description, and such person shall make and sign the declaration. Declaration.

(3) The person making and signing the declaration shall acknowledge the same before a judge of a court of record, or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a notary public, or a commissioner for taking affidavits, where the declaration is made and signed. Acknowledgment.

(4) Every declaration signed and acknowledged as required by this section shall be left with the general manager or other officer or agent of the bank, who shall thereupon enter the name of the person entitled under the transmission in the register of shareholders. To be left with bank.

(5) Until the transmission has been authenticated under subsection (4), no person claiming by virtue thereof is Exercise of rights as shareholder

entitled to participate in the profits of the bank, or to vote in respect of any such share of the capital stock.

Further authentication.

53. (1) Every declaration and instrument required by section 52 to perfect the transmission of a share in the bank shall, if made elsewhere than in a country of the British Commonwealth or any colony, dependency or protectorate of any such country,

- (a) be further authenticated by the clerk of a court of record under the seal of the court, or by a consul, vice-consul or other accredited representative of any of Her Majesty's Governments in the country where the declaration or instrument was made, or
- (b) be made directly before such consul, vice-consul or other accredited representative.

Further evidence.

(2) The directors, general manager or other officer or agent of the bank may require corroborative evidence of any fact alleged in any declaration under section 52.

Transmission by will or intestacy.

54. Where the transmission of a share has taken place by virtue of any testamentary instrument or by intestacy, the probate of the will, or the letters of administration, or act of curatorship or tutorship, or an official extract therefrom, shall, together with the declaration, be produced and left with the general manager or other officer or agent of the bank, and the general manager or other officer or agent of the bank shall thereupon enter in the register of shareholders the name of the person entitled under the transmission.

Transmission by decease.

55. Notwithstanding anything in this Act, if the transmission of any share of the capital stock has taken place by virtue of the decease of any shareholder, the production to the general manager or other officer or agent of the bank and the deposit with him of

- (a) any authenticated copy of the probate of the will of the deceased shareholder, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in a country of the British Commonwealth or any colony, dependency or protectorate of any such country, or of any testament-testamentar or testament-dative expedite in Scotland,
- (b) an authentic copy of the will of the deceased shareholder, if such will is in notarial form according to the law of the Province of Quebec, or
- (c) if the deceased shareholder died elsewhere than in a place mentioned in paragraph (a), any authenticated

copy of the probate of his will or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters,
 is sufficient justification and authority for paying any dividend, or for transferring or authorizing the transfer of any share, in pursuance of and in conformity to the probate, letters of administration, or other document.

SHARES SUBJECT TO TRUSTS.

56. (1) The bank is not bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its capital stock is subject. Bank not bound to see to trusts.

(2) Except only in the case of a claim made in the manner referred to in paragraph (b) of subsection (1) of section 95, by some other person, the receipt of the person in whose name any share stands in the books of the bank, or, if it stands in the names of more persons than one, the receipt of one of such persons, is a sufficient discharge to the bank for any dividend or any other sum of money payable in respect of the share, and the bank is not bound to see to the application of the money paid upon such receipt, whether given by one of such persons or all of them. Receipt.

57. (1) No person holding shares of the capital stock of the bank as executor, administrator, guardian, trustee, tutor or curator Executor or trustee not personally liable.

(a) of or for any estate, trust or person named in the books of the bank as being represented by him, or

(b) if the will or other instrument under or by virtue of which the shares are so held is named in the books of the bank in connection with such holding,
 is personally subject to any liability as a shareholder for unpaid subscriptions for shares; but the estate and funds in his hands are liable in like manner and to the same extent as the testator, intestate, ward or person interested in such estate and funds would be, if living and competent to hold the shares in his own name.

(2) Where the trust is for a living person or corporation, such person or corporation is also liable as a shareholder to the extent of his or its respective interest in the shares. Cestui que trust liable.

(3) Where the estate, trust or person so represented, or will or other instrument, is not named in the books of the bank, the executor, administrator, guardian, trustee, tutor or curator is personally liable in respect of the shares as if he held them in his own name as owner thereof. Executor or trustee liable where trust not named.

ANNUAL AND OTHER STATEMENTS.

Statements
required to
be submitted
at annual
general
meeting.

58. (1) At every annual general meeting of the shareholders, the outgoing directors shall submit a statement (hereinafter called the "annual statement"), which shall present fairly the financial position of the bank for the financial year immediately preceding the meeting, and shall contain

(a) a statement of assets and liabilities of the bank as at the end of the financial year, showing the information in the form specified in Schedule N and such additional information and particulars as in the opinion of the directors are necessary to present fairly the financial position of the bank, and

(b) a statement of the undivided profits of the bank as at the end of the financial year, which shall also show the balance available for distribution of profits earned in the financial year and shall indicate whether transfers have been made in the financial year in respect of contingency reserves and whether provision has been made out of those reserves for diminution in the value of investments and loans.

How
statements
signed.

(2) The annual statement shall be signed

(a) on behalf of the board of directors, by the president or a vice-president or two other directors, and

(b) by the general manager or a person duly authorized to sign in the place of the general manager.

Statement of
controlled
corporations.

(3) Where the bank carries on any part of its operations in the name of a corporation controlled by the bank, there shall be annexed to the annual statement a statement of assets and liabilities of the corporation, which shall

(a) present fairly the financial position of the corporation as at the end of its financial year ending within the financial year of the bank to which the annual statement relates, and

(b) show the value at which the interest of the bank in the corporation is shown on the books of the bank as at the end of the said financial year of the corporation,

unless

(c) the corporation carries on the business of banking outside of Canada,

(d) the bank owns all the issued capital stock of the corporation except the qualifying shares of directors, and

(e) in the annual statement the assets and liabilities of the corporation are consolidated with those of the bank and attention is drawn to the consolidation by way of footnote.

Statements
to be mailed
to share-
holders.

(4) The directors shall, within four weeks after the annual general meeting, mail to each shareholder at his recorded

address a copy of the minutes of the meeting and a copy of the annual statement and any statements annexed thereto, and within the same time the directors shall mail a certified copy of the minutes and statements to the Minister.

(5) The Governor in Council may amend Schedule N. Amendment of Form.

59. The directors shall, in addition to the annual statement, submit to the shareholders such other statements of the affairs of the bank in such manner and at such times as the shareholders by by-law require. Additional statements.

60. (1) In any statement or return of the bank, a loan shall not be included in the classification "current loans" if Classification of current loans.

(a) throughout the period of two years immediately preceding the day as of which the statement or return is made, the borrower has not paid the interest on the loan at the agreed rate without assistance from the bank,

(b) the borrower has committed an act of bankruptcy or has made an assignment for the benefit of his creditors,

(c) the bank has taken any step for the purpose of realizing upon security given by the borrower in respect of the loan,

(d) the bank has commenced proceedings to recover all or any part of the loan or interest thereon, or

(e) the manager of the branch where the loan is recorded, or a director or officer of the bank who prepares, signs, approves or concurs in the statement or return is of opinion that the loan ought to be regarded as a non-current loan,

unless the directors, after due inquiry, direct that it be classified as a current loan.

(2) In any statement or return of the bank, an amount that, with the approval of the shareholders at any annual or special general meeting, has been appropriated out of profits to write down the valuation of its bank premises, shall not be taken into account for any other purpose unless and until the shareholders in like manner approve thereof. Depreciation of bank premises.

SHAREHOLDERS' AUDIT.

61. (1) The affairs of the bank shall be audited by two auditors appointed in accordance with this section, each of whom at the time of his appointment is an accountant who Auditors.

(a) is a member in good standing of an institute or association of accountants incorporated by or under the authority of the legislature of a province, Qualification.

(b) is ordinarily resident in Canada, and

(c) has practised his profession in Canada continuously during the six consecutive years immediately preceding his appointment.

Appoint-
ment.

(2) The shareholders shall, at each annual general meeting, appoint two persons having the qualifications specified in subsection (1), but not being members of the same firm, to be the auditors of the bank until the next ensuing annual general meeting, but if the same two persons or if members of the same two firms have been appointed for two consecutive years as auditors of the bank, one such person or a member of his firm shall not be appointed as auditor of the bank for the period of two years next following the term for which he was last appointed; and no person shall be so appointed if he or a member of his firm is a director, officer or employee of the bank.

Minister may
revoke ap-
pointments

(3) The Minister may at any time, in his discretion, revoke the appointment of an auditor by notice in writing signed by the Minister and sent by registered mail addressed to the auditor at his usual place of business and shall at the same time furnish a copy thereof to the bank.

Dis-
qualification.

(4) An auditor ceases to hold office

(a) on the day on which a notice is mailed to him under subsection (3), or

(b) if he or a member of his firm becomes a director, officer or employee of the bank.

Vacancy.

(5) When a vacancy occurs in the office of auditor of a bank, the bank shall forthwith give notice thereof to the Minister, who shall appoint a person having the qualifications specified in subsection (1) to be an auditor of the bank until the next ensuing annual general meeting.

Remuner-
ation.

(6) The shareholders shall, at the time they appoint the auditors, fix their remuneration, and when a vacancy occurs in the office of auditor and is filled under this section, the remuneration so fixed shall be divided, in such manner as the directors determine, amongst the person originally appointed or his legal representative, the continuing auditor and the person appointed to fill the vacancy.

Access to
books, etc.

(7) The auditors of the bank have a right of access to the books, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank, and are entitled to require such information and explanations as they deem necessary for the performance of their duties as auditors.

Minister
may require
report on
procedure.

(8) The Minister may require that the auditors of the bank shall report to him upon the adequacy of the procedure adopted by the bank for the safety of its creditors and shareholders, and as to the sufficiency of their own procedure in auditing the affairs of the bank.

Minister
may enlarge
scope of
audit.

(9) The Minister may enlarge or extend the scope of the audit or direct any other or particular examination to be

made or procedure established in the particular case as, in his opinion, the public interest may require, and the bank shall, in respect thereof, pay to the auditor such remuneration, in addition to that fixed under subsection (6), as the Minister allows.

(10) It is the duty of the auditors to report individually or jointly as to them may seem fit to the president and general manager in writing any transactions or conditions affecting the well-being of the bank that are not satisfactory to them and in their opinion require rectification, and without restricting the generality of this requirement, they shall as occasion requires report to the president and general manager upon loans owing to the bank by any person the aggregate amount of which exceeds one per cent of the paid-up capital and rest account of the bank, in respect of which, in their opinion, loss to the bank is likely to occur; but when such a report has been made in respect of loans to any person it is not necessary to report again in respect of loans to that person unless in the opinion of the auditors the amount of the loss likely to occur has increased.

Report by
auditors.

(11) Where the auditors make a report under subsection (10) they shall transmit it, in writing, to the president and general manager of the bank and the report shall be presented to the meeting of the directors next ensuing after it has been received and it shall be incorporated in the minutes thereof; and the auditors shall, at the time of transmitting the report to the president and general manager, give notice in writing by mail to each director at his recorded address that the report has been made for presentation to the meeting and incorporation in the minutes thereof and shall, at the same time, furnish a copy of the report to the Minister.

Transmission
of report.

(12) The auditors shall make a report to the shareholders on the statement of the assets and liabilities of the bank to be submitted by the directors to the shareholders under section 58.

Report to
shareholders
on assets
and
liabilities.

(13) The auditors' report shall state whether, in their opinion, the statement referred to in the report presents fairly the financial position of the bank, and

State-
ments by
auditors.

(a) whether they have obtained all the information and explanations they have required,

(b) whether, in their opinion, the transactions of the bank that have come under their notice have been within the powers of the bank, and

(c) whether the statement is as shown by the books of the bank.

(14) The auditors' report shall be attached to the statement of assets and liabilities submitted by the directors to the shareholders under section 58 and the report shall be read before the shareholders at the annual general meeting.

Reading
of report.

Share-
holders may
require
audit and
report on
directors'
statements.

(15) The auditors of the bank shall, if required by the shareholders, audit and report to the shareholders upon any statement submitted by the directors to the shareholders, and the report shall state

(a) whether they have obtained all the information and explanations they have required, and

(b) whether, in their opinion, the statement presents fairly the information required by the shareholders.

Reading
and mailing
of report.

(16) A report of the auditors made under subsection (15) shall be attached to the statement to which it relates and shall be read before the shareholders at any meeting at which the statement is submitted, and a copy of the statement and report shall be mailed by the directors to every shareholder at his recorded address and to the Minister.

Auditor
not to
accept
additional
remuneration
for work.

(17) Except as provided in this section, an auditor of the bank shall not accept any remuneration from the bank for any work on behalf of the bank, other than that authorized by this Act in respect of his duties as auditor, unless a resolution of the directors declares the work to be necessary for the protection or benefit of the bank and authorizes the remuneration to be paid to him therefor.

Audit of
controlled
corporations.

(18) Where the bank carries on any of its operations in the name of a corporation controlled by the bank, the auditors of the bank shall be the auditors of the corporation and the bank shall take all necessary steps to ensure that they are appointed auditors of the corporation accordingly.

Reference
in other
Acts to
qualified
auditors.

(19) A reference in any Act or any regulation or order thereunder to a list of auditors required to be furnished to the Minister under this Act or to any auditor on such list shall be construed as a reference to an auditor who has the qualifications specified in subsection (1).

INSPECTION.

Inspector
General of
Banks to be
appointed.

62. (1) The Governor in Council on the recommendation of the Minister shall appoint a person, who in his opinion has had proper training and experience to carry out section 63, to be the Inspector General of Banks.

Tenure of
office.

(2) The Inspector shall be appointed to hold office during good behaviour, but may be removed from office by the Governor in Council for misbehaviour or incapacity, inability, or failure to perform his duties properly.

Reasons for
removal.

(3) Where the Inspector is removed from office the Order in Council providing for the removal and documents relating thereto shall be laid before Parliament within fifteen days after the making of the order or, if Parliament is not then in session, within the first fifteen days of the next ensuing session.

(4) The Inspector while holding office shall not perform any service for compensation other than the service rendered by him under section 63.

To receive
no other
compen-
sation

(5) The Minister may direct some other competent person to perform temporarily the duties of the Inspector in the event that the Inspector by reason of absence, illness or other incapacity is unable to perform the duties of Inspector or in the event of a vacancy in the office of Inspector.

Temporary
Inspector.

(6) The Minister may appoint or employ on the recommendation of the Deputy Minister of Finance and the Inspector, such persons with training and experience and such clerical assistants as may be deemed necessary to carry out section 63.

Officials
and clerical
assistants.

(7) The Inspector shall be paid a salary fixed by the Governor in Council on the recommendation of the Minister, and the other persons appointed or employed under this section shall be paid such salary or remuneration as may be fixed by the Minister.

Salaries.

(8) All persons appointed or employed under this section are officers of the Department of Finance, but the provisions of the *Civil Service Act* do not apply to them.

Officials to be
officers of
Finance
Department.

(9) No person appointed or employed under this section shall borrow money from a bank unless he has first informed the Minister in writing of his intention to do so.

Inspector
and staff
not to
borrow from
bank unless
Minister
notified.

63. (1) The Inspector, from time to time, but not less frequently than once in each calendar year, shall make or cause to be made, such examination and inquiry into the affairs or business of each bank as he may deem to be necessary or expedient, and for such purposes take charge on the premises of the assets of the bank or any portion thereof, if the need should arise, for the purposes of satisfying himself that the provisions of this Act having reference to the safety of the creditors and shareholders of the bank are being duly observed and that the bank is in a sound financial condition, and at the conclusion of each examination and inquiry shall report thereon to the Minister.

Examina-
tion and
inquiry into
affairs of
banks.

Report.

(2) In addition to any report under subsection (1) the Inspector shall annually certify to the Minister and to the Governor of the Bank of Canada whether in his opinion the returns that have been submitted by the banks under section 104 are correct.

Correctness
of cash
reserve
returns.

(3) The Inspector, or person acting under his direction, has a right of access to the books, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank, and is entitled to require the directors, officers and auditors of the bank to furnish such information and explanations as he deems necessary for the performance of his duties.

Access to
books and
accounts
etc., of
banks.

Powers of
commissioner
under
*Inquiries
Act.*

(4) The Inspector has all the powers conferred upon a commissioner appointed under the *Inquiries Act* for the purpose of obtaining evidence under oath, and may delegate such powers as occasion may require.

Salaries
and expenses
paid out of
Consolidated
Revenue
Fund and
recouped by
assessment
on banks.

64. If an appropriation therefor has been made by Parliament, all salaries, remuneration and other expenses incidental to carrying out section 63 shall be paid out of the Consolidated Revenue Fund, and the Consolidated Revenue Fund shall be recouped after the end of each calendar year for such outlay by an assessment upon the banks based upon the average total assets of the banks, respectively, during the year, as shown by the monthly returns made by the banks to the Minister under section 103, and such assessment shall be paid by the banks.

No liability
to depositor,
creditor, or
shareholder
for damages,
payment or
compensation,
under this
section.

65. Her Majesty is not liable to any creditor or shareholder of any bank, or to any other person, for any damages, payment, compensation or indemnity that he may suffer or claim

(a) by reason of section 63, anything therein contained, or anything done or omitted to be done under the requirements thereof,

(b) by reason of any order or direction of the Governor in Council or of the Minister in the execution or administration of the powers or any of them conferred by section 63,

(c) by reason of any failure or omission on the part of the Governor in Council or of the Minister or of the Inspector or of any officer or employee of Her Majesty to execute or discharge any power, authority or duty under section 63, or

(d) by reason of any default, negligence, mistake, error or omission in the administration or discharge of the powers or duties that in any circumstances are by section 63 intended or authorized to be executed or performed,

and no such payment, damages, compensation or indemnity, nor any claim therefor, shall in any case be authorized, paid or entertained by Her Majesty.

No grant or
gratuity to
be made
by bank
officials to
Inspector
or his
officers.

66. The Inspector or any other person appointed or employed under section 62 shall not accept or receive, directly or indirectly, any grant or gratuity from a bank or from any director, officer or employee of a bank, and no bank and no director, officer or employee of a bank shall make or give any such grant or gratuity.

Secrecy.

67. The Inspector or any other person appointed or employed under section 62 or any person to whom any powers are delegated under subsection (4) of section 63

shall not disclose to any other person, except the Minister, the Deputy Minister of Finance and the Governor of the Bank of Canada, or a representative of the latter if authorized by him in writing, any information regarding the business or affairs of a bank.

CONTINGENCY RESERVES.

68. (1) Where in the opinion of the Minister an amount set aside or reserved by any bank out of income, either by way of write-down of the value of assets or appropriation to any contingency reserve or contingent account for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises or other contingencies, is in excess of the reasonable requirements of the bank having regard to all the circumstances, the Minister shall notify the Minister of National Revenue of the amount so set aside and of the amount of such excess.

Report to Minister of National Revenue of excess reserves for bad debts, etc.

(2) Nothing in subsection (1) shall be construed to give the Minister any jurisdiction over the discretion of the directors of the bank with regard to amounts set aside, reserved or transferred to any reserve or other account from income upon which taxes have been assessed under any Act of the Parliament of Canada imposing a tax upon or in respect of income.

Discretion of directors not affected.

DIVIDENDS.

69. (1) Subject to this Act and the by-laws, the directors of the bank may declare a dividend of so much of the profits of the bank as they consider advisable, and shall fix the day for payment thereof.

Declaration of dividends.

(2) The directors shall give public notice of the payment of a dividend published for at least four weeks prior to the day fixed for payment thereof.

Notice.

(3) A dividend is due and payable on and after the day fixed for payment thereof at the head office of the bank and at such other places as the directors prescribe.

Where payable.

(4) The directors may close the transfer books for a period, not exceeding fifteen days, before the payment of a dividend.

Share transfer books closed.

(5) Subject to subsection (2) of section 74, the liability of the bank, under any law, custom or agreement, to pay dividends that have become payable on its capital stock shall continue notwithstanding any statute of prescription or limitation.

Liability in respect of dividends

Dividend
not to
impair
capital.

- 70.** (1) No dividend or bonus shall be declared
(a) while the paid-up capital of the bank is impaired, or
(b) if as a result thereof the paid-up capital of the bank
would be impaired.

Directors
liable for
such
dividend.

- (2) The directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus contrary to subsection (1) are jointly and severally liable for the amount of such dividend or bonus, as a debt due by them to the bank.

Dividend
limited
unless there
is a certain
rest account.

- (3) No division of profits exceeding the rate of eight per cent per annum on the paid-up capital stock of the bank shall be made by the bank unless after making the division the bank has a rest account equal to at least thirty per cent of its paid-up capital stock after making all necessary provisions for ascertained and estimated diminution in the value of assets.

Personal
liability
of
directors.

- (4) The directors who knowingly and wilfully concur in any division of profits contrary to subsection (3) are jointly and severally liable for the amount so divided, as a debt due by them to the bank.

CASH RESERVES.

Cash
reserves.

- 71.** (1) The bank shall maintain a cash reserve in the form of a deposit with the Bank of Canada and of Bank of Canada notes held by the bank, and such reserve shall be not less on the average during any month than eight per cent, or such other percentage as may be fixed by the Bank of Canada under the provisions of the *Bank of Canada Act*, of such of its deposit liabilities as are payable in Canadian currency.

How
determined.

- (2) For the purpose of determining the amount of the cash reserve required to be maintained by a bank during any month

- (a) the amount of its deposit liabilities payable in Canadian currency shall be the average of such deposit liabilities at the close of business on Wednesdays in each of the four consecutive weeks ending with the last Wednesday but one in the preceding month,
(b) the amount of Bank of Canada notes held by the bank shall be the average holdings of such notes at the close of business on Wednesdays in each of the four consecutive weeks ending with the last Wednesday but one in the preceding month, and
(c) the amount of its deposit with the Bank of Canada shall be the average amount of such deposit at the close of business on each juridical day of the current month.

(3) If the property and assets of the Bank of Canada are insufficient to pay its debts and liabilities and the Bank of Canada suspends payment of any of its liabilities, the deposit made under this section by every bank is hereby guaranteed, and the Governor in Council, on the recommendation of the Minister, shall authorize payment out of the Consolidated Revenue Fund of such moneys as are necessary to implement the guarantee. Government guarantee.

(4) The bank shall also maintain adequate reserves against liabilities payable in foreign currencies. Reserve for foreign liabilities.

NOTES.

72. (1) Where the bank has issued its notes for circulation in a country outside Canada, it is liable to redeem them at par at any branch of the bank in that country and, except as provided in subsection (2), not elsewhere. Redemption of notes.

(2) Where the bank has issued its notes for circulation in a country outside Canada and ceases to have a branch in that country without making arrangements for the redemption in that country of the notes, the bank is liable to redeem them at the head office of the bank in Canadian currency at a rate of exchange to be established for the purpose by the Treasury Board. Idem.

(3) Where the bank has issued its notes for circulation in a country outside Canada, and under the laws in force in that country the bank is permitted or required to redeem the notes by a payment to a designated authority in that country, such a payment, if approved by the Treasury Board, discharges the liability of the bank in respect of the notes. Idem.

73. Notwithstanding any other Act, the Bank of Canada is liable to redeem the notes of each bank specified in Schedule P issued for circulation in Canada upon presentation thereof at the head office of the Bank of Canada. Idem

DESTRUCTION OF OLD RECORDS.

74. (1) Except as provided in subsection (4) of section 94, the bank may destroy books, records, documents, vouchers, paid instruments and papers in its possession where they are dated or were in existence or contain entries or writings made, more than twenty years prior to the destruction. Destruction of records.

(2) Except as provided in subsection (3), in any action or proceeding the liability of the bank shall be determined by reference only to evidence of matters that have arisen Evidence.

or things that have occurred, including books and records or the portions thereof, and documents, vouchers, paid instruments and papers, that are dated or came into existence, or that contain entries or writings made, during the period of twenty years immediately preceding the commencement of the action or proceeding, and notices given during that period.

Idem.

(3) In any action or proceeding to establish the ownership of shares of capital stock of the bank, such ownership shall be determined by reference only to evidence of matters that have arisen or things that have occurred, including books and records, or the portions thereof, and documents, vouchers, paid instruments and papers, that are dated or came into existence, or that contain entries or writings made, during the period of twenty years immediately preceding the commencement of the action or proceeding, excepting the share register of the bank.

Statute of Limitations.

(4) Nothing in subsection (1), (2) or (3) affects the operation of any statute of limitation or prescription or the right of the bank to destroy any books, records, documents, vouchers, paid instruments or papers not specified in subsection (4) of section 94 or relieves the bank from any liability to the Bank of Canada in respect of any debt or instrument to which subsection (1) of section 94 applies.

BUSINESS AND POWERS OF BANK.

General.

Business and powers of bank.

75. (1) The bank may

(a) open branches;

(b) acquire, deal in, discount and lend money and make advances upon the security of, and take as security for any loan or advance made by it, bills of exchange, promissory notes and other negotiable instruments, gold and silver coin and bullion and securities;

(c) lend money and make advances upon the security of, and take as security for any loan or advance made by it, lien or other notes, conditional sale contracts or any instruments or agreements made or entered into respecting the sale of goods, wares and merchandise, and money payable thereunder;

(d) lend money and make advances without security; and

(e) engage in and carry on such business generally as appertains to the business of banking.

Prohibitions.

(2) Except as authorized by or under this Act, the *National Housing Act, 1954*, the *Farm Improvement Loans Act* or the *Veterans' Business and Professional Loans Act*, the bank shall not, directly or indirectly,

- (a) issue or reissue notes of the bank payable to bearer on demand and intended for circulation;
- (b) deal in goods, wares and merchandise or engage in any trade or business;
- (c) acquire, deal in or lend money or make advances upon the security of shares of the capital stock of the bank or any other bank;
- (d) lend money or make advances upon the security of real or immovable property, or of ships or vessels, or of goods, wares and merchandise;
- (e) lend money or make advances to or on the guarantee of the general manager or any officer or employee subordinate to the general manager
 - (i) without the consent of the directors, if the principal amount outstanding of loans and advances made to and guaranteed by him, together with the proposed loan or advance, exceeds twenty-five hundred dollars, or
 - (ii) if the principal amount outstanding of loans and advances made to and guaranteed by him, together with the proposed loan or advance, exceeds twenty thousand dollars;
- (f) lend money or make advances in a principal amount exceeding five per cent of its paid-up capital to a director of the bank or to any firm or corporation of which a director or the general manager of the bank is a member or shareholder without the consent of two-thirds of the directors present at a regular meeting of the board or a meeting of the board specially called for the purpose; and
- (g) except with the consent of the Treasury Board, contribute to any guarantee or pension fund if any part of the fund has, at any time after the coming into force of this Act, been invested in shares of the capital stock of a bank.

(3) A director of the bank shall not be present or vote at a meeting of the board during the time at the meeting when a loan or advance to himself or a firm of which he is a member or a corporation of which he is a director is under consideration, unless the loan or advance is to a corporation controlled by the bank, all the issued capital stock of which, except the qualifying shares of directors, is owned by the bank.

(4) No officer or employee of the bank shall act as agent for any insurance company or for any person in the placing of insurance, nor shall the bank exercise pressure upon a borrower to place insurance for the security of the bank in any particular insurance agency, but nothing in this subsection precludes the bank from requiring such insurance to be placed with an insurance company approved by it.

Loans to directors.

No officer, etc., to act as agent for insurance company.

Exception.

(5) Nothing in paragraph (d) of subsection (2) shall be construed to prohibit the acquisition by the bank from a corporation of securities issued or guaranteed by the corporation that are secured on any property, whether in favour of a trustee or otherwise, or the making of a loan or advance by the bank to the corporation against the issue of such securities.

Idem.

(6) Paragraphs (b) and (d) of subsection (2) do not apply to the lending of money or the making of advances upon the security (whether by way of mortgage, transfer or otherwise) of household property, that is to say, motor vehicles and any personal or movable property for use in or about dwellings and lands and buildings appurtenant thereto, to any individual other than a manufacturer thereof or dealer therein, or to the purchase, subject to a right of redemption, of such household property from any such individual.

*Liens and Security.***Bank to have lien on shares of its debtors.**

76. (1) Unless under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, the bank has a privileged lien for any debt or liability for any debt to the bank, on the shares of its own capital stock and on any dividends payable to the debtor or person liable, and may decline to allow any transfer of the shares of such debtor or person until the debt is paid.

Sale of shares.

(2) The bank shall, within twelve months after a debt has accrued and become payable, sell the shares on which it has a lien therefor, but notice shall be given to the holder of the shares of the intention of the bank to sell them, by mailing the notice to the holder at his recorded address at least thirty days prior to the sale.

Transfer.

(3) Upon the sale being made the president, a vice-president or the general manager shall execute a transfer of the shares to the purchaser thereof in the transfer book of the bank.

Effect of transfer.

(4) A transfer under this section vests in the purchaser all the rights in or to the shares that were possessed by the holder thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the bank or by the officer of the bank executing the transfer.

Securities may be sold.

77. Securities acquired and held by the bank as security, may, in case of default in the payment of the debt for the securing of which they were so acquired and held, be dealt with, sold and conveyed,

(a) in like manner and subject to the same restrictions as are provided in this Act in respect of shares of the

capital stock of the bank on which it has acquired a lien under this Act, or

(b) in like manner as and subject to the restrictions under which a private individual might in like circumstances deal with, sell and convey the same, but the bank is not obliged to sell within twelve months, and the right to deal with and dispose of securities as provided in this section may be waived or varied by any agreement between the bank and the owner of the securities.

78. (1) Where a debt or liability has been incurred to the bank in the course of its business, the bank may subsequently take, hold and dispose of security of any kind for such debt or liability upon any real or personal, immovable or movable property, except shares of the capital stock of the bank on which the bank has a privileged lien under section 76, but no such security is effective in respect of any personal or movable property that at the time the security is taken is, by any statutory law that was in force on the 1st day of July, 1923, exempt from seizure under writs of execution. Subsequent security.

(2) The rights, powers and privileges that the bank is by this Act declared to have, or to have had, in respect of real or immovable property on which it has taken security, shall be held and possessed by it in respect of any personal or movable property on which it has taken security. Rights in respect of personal property.

79. The bank may purchase any real or immovable property offered for sale Purchases of realty.

(a) under execution, or in insolvency, or under the order or decree of a court, or at a sale for taxes, as belonging to any debtor to the bank,

(b) by a mortgagee or other encumbrancer, having priority over a mortgage or other encumbrance held by the bank, or

(c) by the bank under a power of sale given to it for that purpose, notice of such sale by auction to the highest bidder having been first given by advertisement for four weeks in a newspaper published in the county or electoral district in which such property is situate, in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the property that it may so purchase, and may acquire title thereto as any individual, purchasing at a sheriff's sale or sale for taxes or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same. Notice of sale by auction.

80. (1) The bank may acquire and hold an absolute title in or to real or immovable property mortgaged or hypothecated to it as security for a debt due or owing to it, either by the obtaining of a release of the equity of redemption. Bank may acquire absolute title to mortgaged premises.

tion in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred, or a transfer of title to real or immovable property can, by law, be effected, and may purchase and acquire any prior mortgage or charge on such property.

No Act or law to prevent.

(2) Nothing in any charter, Act or law shall be construed as ever having been intended to prevent or as preventing the bank from acquiring and holding an absolute title to and in any mortgaged or hypothecated real or immovable property referred to in subsection (1), whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given to or held by the bank, authorizing or enabling it to sell or convey any property so mortgaged.

Real Property.

Acquisition of real property.

81. (1) The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose of the same, and acquire other property in its stead for the same purpose.

Limit on right to hold real property.

(2) The bank may hold real or immovable property for a period of seven years

(a) in the case of property acquired or held for its own use, from the day on which it ceases to be required for its own use, as determined by the directors, and

(b) in the case of other property, from the day on which it acquired the property,

and forthwith after the expiry of that period the bank shall sell or otherwise dispose of the property absolutely so that the bank no longer has, directly or indirectly, any interest or control in respect thereof except by way of security.

Forfeiture.

(3) Where the bank fails to dispose of property in accordance with subsection (2), the Attorney General of Canada may, upon such notice as a Judge of the Exchequer Court of Canada may order, apply to a Judge of that Court for an order declaring the property to be forfeited to Her Majesty in right of Canada, and the Judge may, if he is satisfied that the bank has not disposed of the property in accordance with subsection (2), declare the property forfeited to Her Majesty, except that

(a) the property shall not be vested in Her Majesty before the expiry of six calendar months from the day on which notice of the application was given to the bank in accordance with the order of the Judge, and

(b) the bank may, at any time before the property vests in Her Majesty, sell or otherwise dispose of it as required by subsection (2) as if no application, order or declaration had been made.

Loans and Advances.

82. (1) The bank may lend money and make advances upon the security of any or all of the following: Loans on hydrocarbons.

- (a) hydrocarbons in, under or upon the ground, in place or in storage;
- (b) the rights, licences or permits of any person to obtain and remove any of such hydrocarbons and to enter upon, occupy and use lands from or on which any of such hydrocarbons are or may be produced;
- (c) the estate or interest of any person in or to any such hydrocarbons, rights, licences, permits and lands whether such estate or interest is entire or partial; and
- (d) the casing and equipment used or to be used in producing or seeking to produce and storing any such hydrocarbons;

or of any rights or interests in or to any of the foregoing.

(2) Security under this section may be given by signature and delivery to the bank by or on behalf of the person giving the security of an instrument in the form set out in Schedule L or in a form to the like effect, and shall affect the property described in the instrument giving the security Security.

- (a) of which the person giving the security is the owner at the time of the delivery of such instrument, or
- (b) of which such person becomes the owner at any time thereafter before the release of the security by the bank, whether or not such property is in existence at the time of such delivery,

all of which property is for the purposes of this Act property covered by the security.

(3) Any security given under this section vests in the bank, in addition to and without limitation of any other rights or powers vested in or conferred on it, full power, right and authority, through its officers, employees or agents, in the event of Rights under security.

- (a) non-payment of any loan or advance as security for the payment of which the bank has taken the security, or

- (b) failure to care for, maintain, protect or preserve the property covered by the security,

to do all or any of the following, namely, take possession of, seize, care for, maintain, use, operate and sell the property covered by the security or part thereof as it sees fit, returning to the person entitled thereto any surplus proceeds of any such operation or sale remaining after payment of all such loans and advances, with interest and expenses; a sale of any of the property by the bank vests in the purchaser all the right and title in and to such property that the person giving the security had when the security was given and that he acquired thereafter; unless the

person by whom the security was given has agreed otherwise any such sale shall be made by public auction after

(c) notice of the time and place of the sale has been sent by registered mail to the recorded address of the person by whom the security was given, at least ten days prior to the sale, and

(d) publication of an advertisement of the sale, at least two days prior to the sale, in at least two newspapers published in or nearest to the place where the sale is to be made; and if the sale is in the Province of Quebec at least one of such newspapers shall be a newspaper published in the English language and one other newspaper shall be a newspaper published in the French language.

Priority of
bank's
rights.

(4) Subject to subsection (5), all the rights and powers of the bank in respect of the property covered by security given under this section, have priority over all rights subsequently acquired in, on or in respect of such property and also over the claim of any mechanics' lien holder or of any unpaid vendor of casing or equipment, but such priority does not extend over the claim of any unpaid vendor who had a lien upon the casing or equipment at the time of the acquisition by the bank of such security, unless the same was acquired without knowledge on the part of the bank of such lien.

Idem.

(5) The rights and powers of the bank do not have priority over an interest or right acquired in, on or in respect of the property covered by security given under this section unless, prior to

(a) the registration of such interest or right, or

(b) the registration or filing of the deed or other instrument evidencing such interest or right, or of a caution, caveat or memorial in respect thereof,

there has been registered or filed in the proper land registry or land titles office or office in which are recorded the rights, licences or permits referred to in this section,

(c) an original of the instrument giving the security,

(d) a copy of the instrument giving the security, certified by an officer or employee of the bank to be a true copy, or

(e) a caution, caveat or memorial in respect of the rights of the bank;

and every registrar or officer in charge of such proper land registry or land titles or other office to whom a document mentioned in paragraph (c), (d) or (e) is tendered, shall register or file the same according to the ordinary procedure for registering or filing within such office documents that evidence liens or charges against, or cautions, caveats or memorials in respect of claims to interests in or rights in respect of any such property and subject to

payment of the like fees; but this subsection does not apply if the provincial law does not permit such registration or filing of the tendered document.

(6) When making a loan or advance on the security provided for by this section, the bank may take, on any property covered by such security, any further security it sees fit. Further security.

(7) Notwithstanding anything in this Act, where the bank holds any security whatever covering hydrocarbons, it may take in lieu of such security, to the extent of the quantity covered by the security taken, any security covering or entitling it to the delivery of the same hydrocarbons or hydrocarbons of the same or a similar grade or kind. Substitution of security.

83. The bank may lend money and make advances upon the security of standing timber or the rights or licences held by persons to cut or remove such timber, and, if the provincial law permits, the instrument evidencing such security shall be registered against the land upon which such timber stands or in the offices in which are recorded such rights or licences. Loans on standing timber.

84. The bank may lend money and make advances to a receiver, to a receiver and manager, to a liquidator appointed under any *Winding-up Act*, or to a custodian, interim receiver or trustee under the *Bankruptcy Act*, if the receiver, receiver and manager, liquidator, custodian, interim receiver or trustee, has been duly authorized or empowered to borrow, and, in making the loan or advance, and thereafter, the bank may take security, with or without personal liability, from the receiver, receiver and manager, liquidator, custodian, interim receiver or trustee to such an amount, and upon such property as may be directed or authorized by any court of competent jurisdiction. Loans to receiver or liquidator under *Winding-up Acts* and to officer under *Bankruptcy Act*.

85. (1) The bank may lend money and make advances in aid of the building of any ship or vessel or of the installation of engines or equipment therein or of the repair or alteration of any ship or vessel, or its engines or equipment, and in making the loan or advance, and thereafter, has the same right of acquiring and holding security upon the ship or vessel before and during such building, installation, repair or alteration, and after completion thereof, either by way of mortgage, hypothec, hypothecation, privilege or lien thereon, or purchase or transfer thereof, as any person has in the province wherein the ship or vessel is being built, equipped, repaired or altered. Advances for building, repairing, equipping and altering ships

(2) The bank may, for the purpose of obtaining and enforcing any security under subsection (1), avail itself of all such rights and means, and is subject to all such obligations Rights and obligations

gations, limitations and conditions as are, by the law of such province, conferred or imposed upon individuals.

Warehouse receipts and bills of lading.

86. (1) The bank may acquire and hold any warehouse receipt or bill of lading as security for the payment of any debt incurred in its favour, or as security for any liability incurred by it for any person, in the course of its banking business.

Effect of taking.

(2) Any warehouse receipt or bill of lading acquired under subsection (1) vests in the bank, from the date of the acquisition thereof,

(a) all the right and title to the warehouse receipt or bill of lading and to the goods, wares and merchandise covered thereby of the previous holder or owner thereof, and

(b) all the right and title to the goods, wares and merchandise mentioned therein of the person from whom the goods, wares and merchandise were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favour of the bank, instead of to the previous holder or owner of the goods, wares and merchandise.

When previous holder is an agent.

87. (1) Where the previous holder of a warehouse receipt or bill of lading referred to in section 86 is a person

(a) entrusted with the possession of the goods, wares and merchandise mentioned therein, by or by the authority of the owner thereof,

(b) to whom the goods, wares and merchandise are, by or by the authority of the owner thereof, consigned, or

(c) who, by or by the authority of the owner of the goods, wares and merchandise, is possessed of any bill of lading, receipt, order or other document covering the same, such as is used in the course of business as proof of the possession or control of goods, wares and merchandise, or as authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such a document to transfer or receive the goods, wares and merchandise thereby represented,

Presumption of possession

the bank is, upon the acquisition of such warehouse receipt or bill of lading, vested with all the right and title of the owner of the goods, wares and merchandise, subject to the right of the owner to have the same retransferred to him if the debt or liability, as security for which the warehouse receipt or bill of lading is held by the bank, is paid.

(2) For the purposes of this section, a person shall be deemed to be the possessor of goods, wares and merchandise, or a bill of lading, receipt, order or other document

(a) who is in actual possession thereof, or

(b) for whom, or subject to whose control the goods, wares and merchandise are, or bill of lading, receipt, order or other document is held by any other person.

- 88.** (1) The bank may lend money and make advances Loans to certain borrowers and security.
- (a) to any wholesale purchaser or shipper of, or dealer in, products of agriculture, products of the forest, products of the quarry and mine, or products of the sea, lakes and rivers, upon the security of such products;
 - (b) to any person engaged in business as a manufacturer, upon the security of goods, wares and merchandise manufactured or produced by him or procured for such manufacture or production;
 - (c) to any farmer, upon the security of threshed grain grown upon the farm;
 - (d) to any farmer
 - (i) for the purchase of seed grain or seed potatoes, upon the security of the seed grain or the seed potatoes and any crop to be grown therefrom,
 - (ii) for the purchase of fertilizer, upon the security of the fertilizer and any crop to be grown from land on which, in the same season, the fertilizer is to be used, and
 - (iii) for the purchase of binder twine, upon the security of the binder twine and the crop in the harvesting of which the binder twine is to be used;
 - (e) to any farmer or to any person engaged in live stock raising, upon the security of live stock, but the security taken under this paragraph is not effective in respect of any live stock that at the time the security is taken is, by any statutory law that was in force on the 1st day of July, 1923, exempt from seizure under writs of execution;
 - (f) to any farmer for the purchase of agricultural implements, upon the security of such agricultural implements;
 - (g) to any farmer for the purchase or installation of agricultural equipment or a farm electric system, upon the security of such agricultural equipment or farm electric system;
 - (h) to any farmer for
 - (i) the alteration or improvement of a farm electric system,
 - (ii) the erection or construction of fencing or works for drainage on a farm,
 - (iii) the construction, repair or alteration of, or making of additions to, any building or structure on a farm, and
 - (iv) any works for the improvement or development of a farm for which a farm improvement loan as

defined in the *Farm Improvement Loans Act* may be made,

upon the security of agricultural implements, but security taken under this paragraph is not effective in respect of any agricultural implements that at the time the security is taken are, by any statutory law that was in force on the 1st day of September, 1944, exempt from seizure under writs of execution; and

- (i) to any fisherman, upon the security of fishing vessels, fishing equipment and supplies or products of the sea, lakes and rivers, but security taken under this paragraph is not effective in respect of any such property that at the time the security is taken is, by any statutory law that was in force on the 1st day of September, 1944, exempt from seizure under writs of execution;

and the security may be given by signature and delivery to the bank by or on behalf of the person giving the security of a document in the form set out in the appropriate Schedule or in a form to the like effect.

Rights and powers vested by delivery of document.

(2) Delivery of a document giving the security upon property to a bank under the authority of this section vests in the bank in respect of property therein described

- (a) of which the person giving security is the owner at the time of the delivery of such document, or
- (b) of which such person becomes the owner at any time thereafter before the release of the security by the bank, whether or not such property is in existence at the time of such delivery,

the following rights and powers, namely,

- (c) if such property is property on which security is given under paragraph (a), (b), (e), (h) or (i) of subsection (1), the same rights and powers as if the bank had acquired a warehouse receipt or bill of lading in which such property was described, or
- (d) if such property is property on which security is given under paragraph (c), (d), (f) or (g) of subsection (1), a first and preferential lien and claim thereon for the sum secured and interest thereon, and as regards a crop as well before as after the severance from the soil, harvesting or threshing thereof, and, in addition thereto, the same rights and powers in respect of such property as if the bank had acquired a warehouse receipt or bill of lading in which the property was described; and all rights and powers of the bank subsist notwithstanding that such property is affixed to real or immovable property and notwithstanding that the person giving the security is not the owner of such real or immovable property;

and all such property in respect of which such rights and

powers are vested in the bank under this section is for the purposes of this Act property covered by the security.

(3) Where security upon any property is given to the bank under paragraph (c), (d), (e), (f), (g), (h) or (i) of subsection (1), the bank, in addition to and without limitation of any other rights or powers vested in or conferred on it, has full power, right and authority, through its officers, employees or agents, in case of

Power of the bank to take possession, etc.

- (a) non-payment of any of the loans or advances for which such security was given,
- (b) failure to care for or harvest any crop or to care for any live stock covered by the security,
- (c) failure to care for any property on which security is given under paragraph (f), (g), (h) or (i) of subsection (1),
- (d) any attempt, without the consent of the bank, to dispose of any property covered by the security, or
- (e) seizure of any property covered by the security, to take possession of or seize the property covered by the security, and in the case of a crop to care for it and harvest it or thresh the grain therefrom, and in the case of live stock to care for it, and has the right and authority to enter upon land or premises whenever necessary for any such purpose and to detach and remove such property, exclusive of wiring, conduits or piping incorporated in a building, from any real or immovable property to which it is affixed.

(4) The following provisions apply where security upon property is given to the bank under this section:

- (a) the rights and powers of the bank in respect of property covered by the security are null and void as against creditors of the person giving the security and as against subsequent purchasers or mortgagees in good faith of the property covered by the security unless a notice of intention signed by or on behalf of the person giving the security was registered in the appropriate agency not more than three years immediately before the security was given;
- (b) the agent shall number consecutively every notice of intention received by him and shall endorse thereon the number and the hour and date of its receipt and shall file the same and enter, in alphabetical order, in a book to be kept by him, the name of every person who has given such notice of intention with the number endorsed thereon opposite to each name;
- (c) the agent shall endorse over his signature on a copy of the notice of intention to be supplied by the bank, for the records of the bank, the number and the hour and date of receipt, and the production of the copy with such endorsement and signature is

Notice of intention to be registered.

Notices to be numbered consecutively, filed, etc.

Number, hour and date of registration.

- conclusive evidence in all courts of the registration and of the time of registration as thereon endorsed;
- Cancellation.** (d) registration of a notice of intention may be cancelled by registration in the appropriate agency in which the notice of intention was registered of a certificate of release signed on behalf of the bank named in the notice of intention and bearing the number and date endorsed thereon, stating that each and every security to which the notice of intention relates has been released or that no security was given to the bank, as the case may be;
- Certificates of release to be numbered consecutively, etc.** (e) the agent shall number consecutively every certificate of release received by him and shall endorse thereon the number and the hour and date of its receipt and shall file the same, whereupon the registration of the notice of intention in respect of which such certificate was given shall be deemed to be cancelled and the agent shall cancel it, and after the cancellation the notice of intention is without effect as regards any security given to the bank thereafter and may be destroyed by the agent; after five years have elapsed from the receipt of a certificate of release, the agent may destroy it;
- Transcription of registration.** (f) the agent may transcribe the registration of any notice of intention onto another page of the registration book, whereupon the transcription shall take the place of the entry so transcribed, and the agent may destroy any pages on which all the entries have been cancelled or transcribed in accordance with this subsection;
- Access to registration book.** (g) every person, upon payment of the proper fees, is entitled to have access to and to inspect any registration book, notice of intention or certificate of release kept by or in the custody of the agent;
- Fees.** (h) for services under this section the agent is entitled to a fee of twenty-five cents for each of the following, namely,
- (i) the registration of a notice of intention and endorsement of copy over signature,
 - (ii) the production of a registration book for inspection,
 - (iii) the production of a notice of intention for inspection, and
 - (iv) the registration of a certificate of release;
- Inquiries.** (i) any person desiring to ascertain whether a notice of intention given by a person remains registered in an agency may inquire by sending a prepaid telegram or written communication addressed to the agent, and it is the duty of the agent, in the case of a written inquiry if it is accompanied by a fee of fifty cents, and in the case of an inquiry by telegram without payment of any fee, to make the necessary inspection of the

registration books and of the relative documents, if any, and to reply to the inquirer stating the name of the bank mentioned in any such notice of intention, the reply to be by mail unless a telegraphic reply is requested, in which case it shall be sent at the expense of the inquirer;

- (j) the bank shall annually, during the month of March, send by registered post to each agency a statement showing the notices of intention to give security to the bank registered in the agency more than five years before the end of the preceding December in connection with which security was given to the bank and is still in effect or stating that there are no such notices of intention; the statement shall show the name of the person who gave each such notice of intention and the number and date of its registration; on receipt of the statement, the agent shall cancel the registrations of all notices of intention to give security to the bank registered in the agency more than five years before the end of the preceding December and not shown in such a statement, and thereafter the registrations of such notices of intention are without effect and the agent may destroy all such notices of intention; and

Annual
notice of
registrations.

(k) in this subsection,

- (i) "agency" means, in a province, the office of the Bank of Canada or its authorized representative but does not include its Ottawa office, and in the Yukon Territory and the Northwest Territories means the office of the Clerk of the Court of each of those Territories respectively;
- (ii) "agent" means the officer in charge of the office mentioned in subparagraph (i), and includes any person acting for such officer;
- (iii) "appropriate agency" means the agency for the province or territory in which the person by whom or on whose behalf a notice of intention is signed has his place of business or if such person has more than one place of business in Canada and such places of business are not in the same province or territory, the agency for the province or territory in which such person has his principal place of business or if such person has no place of business, the agency for the province or territory in which such person resides; and in respect of any notice of intention registered before the coming into force of this Act, means the office in which registration was required to be made by the law in force at the time of such registration;
- (iv) "notice of intention" means a notice of intention in the form set out in Schedule K or in a form to

Interpreta-
tion.
"Agency".

"Appropriate
agency."

"Notice of
intention."

the like effect, and includes a notice of intention registered before the coming into force of this Act, in the form and registered in the manner required by the law in force at the time of the registration of such notice of intention; and

“Principal place of business.”

- (v) “principal place of business” means, in the case of a company incorporated by or under the authority of any Act of the Parliament of Canada, or by or under the authority of any Act of the late Province of Canada, or by or under the authority of any province or any territory now forming part of Canada, the place where according to the company’s charter, memorandum of association or by-laws, the head office of the company in Canada is situate and in the case of any other company means the place at which civil process in the province or territory in which the loans or advances will be made can be served upon the company.

Priority accorded to claim for wages.

(5) Notwithstanding anything in subsection (2) and notwithstanding that a notice of intention has been registered pursuant to this section by a person giving security upon property under this section, where under the *Bankruptcy Act* a receiving order is made against, or an assignment is made by such person, wages, salaries or other remuneration owing in respect of the period of three months next preceding the making of such order or assignment, to employees of such person employed in connection with the business or farm in respect of which the property covered by the security was held or acquired by such person, shall be a charge upon the property covered by the security in priority to the rights of the bank therein and if the bank takes possession or in any way disposes of such property, such wages, salaries or other remuneration owing for the said period shall be paid by the bank and the bank is subrogated in and to all the rights of such employees to the extent of the amounts so paid.

Priority of bank’s claim.

89. (1) All the rights and powers of the bank in respect of the property mentioned in or covered by a warehouse receipt or bill of lading acquired and held by the bank, and those rights and powers of the bank in respect of the property covered by a security given to the bank under section 88 that are the same as if the bank had acquired a warehouse receipt or bill of lading in which such property was described, have, subject to the provisions of subsection (4) of section 88 and of subsections (2) and (3) of this section, priority over all rights subsequently acquired in, on or in respect of such property, and also over the claim of any unpaid vendor, but such priority does not extend over the claim of any unpaid vendor who had a lien upon the property

at the time of the acquisition by the bank of such warehouse receipt, bill of lading or security, unless the same was acquired without knowledge on the part of the bank of such lien, and where security is given upon property under paragraph (g) of subsection (1) of section 88, such priority shall exist notwithstanding that such property is or becomes affixed to real or immovable property.

(2) Where security has been given to the bank under paragraph (g) of subsection (1) of section 88 upon property that is or has become affixed to real or immovable property, the rights and powers of the bank do not have priority over an interest or right acquired in, on or in respect of the real or immovable property after such property has become affixed thereto unless, prior to

Bank required to register against land in certain cases.

(a) the registration of such interest or right, or

(b) the registration or filing of the deed or other instrument evidencing such interest or right, or of a caution, caveat or memorial in respect thereof,

there has been registered or filed in the proper land registry or land titles office,

(c) an original of the document giving the security,

(d) a copy of the document giving the security, certified by an officer or employee of the bank to be a true copy, or

(e) a caution, caveat or memorial in respect of the rights of the bank;

and every registrar or officer in charge of such proper land registry or land titles office to whom a document mentioned in paragraph (c), (d) or (e) is tendered, shall register or file the same according to the ordinary procedure for registering or filing within such office documents that evidence liens or charges against, or cautions, caveats or memorials in respect of claims to interests in or rights in respect of real or immovable property and subject to payment of the like fees; but this subsection does not apply if the provincial law does not permit such registration or filing of the tendered document.

(3) Where security has been given to the bank under paragraph (i) of subsection (1) of section 88, upon a fishing vessel that is recorded or registered under the *Canada Shipping Act*, the rights and powers of the bank do not have priority over any rights that are subsequently acquired in the vessel and are recorded or registered under that Act, unless a copy of the document giving the security, certified by an officer of the bank to be a true copy, has been recorded or registered under that Act in respect of the vessel before the recording or registration thereunder of such rights, and a copy of the document giving such security certified by an officer of the bank may be recorded or registered under that Act as if it were a mortgage given thereunder, and upon the

Bank required to register security on fishing vessels under *Canada Shipping Act*.

recording or registration thereof the bank, in addition to and without limitation of any other rights or powers vested in or conferred on it, has all the rights and powers in respect of the vessel that it would have if the security were a mortgage recorded or registered under that Act.

Sale of
goods on
non-payment
of debt.

(4) In the event of non-payment of any debt, liability, loan or advance, as security for the payment of which the bank has acquired and holds a warehouse receipt or bill of lading or has taken any security under section 88, the bank may sell all or any part of the property mentioned therein or covered thereby and apply the proceeds against such debt, liability, loan or advance, with interest and expenses, returning the surplus, if any, to the person by whom such security was given; but such power of sale shall, unless such person has agreed to sale thereof otherwise than as herein provided, be exercised subject to the following provisions, namely:

Conditions
of sale of
property
other than
live stock.

(a) every sale of such property other than live stock shall be by public auction after

(i) notice of the time and place of the sale has been sent by registered mail to the recorded address of the person by whom the security was given, at least ten days prior to the sale in the case of any such property other than products of the forest, and at least thirty days prior to the sale in the case of any such property consisting of products of the forest, and

(ii) publication of an advertisement of the sale, at least two days prior to such sale, in at least two newspapers published in or nearest to the place where the sale is to be made stating the time and place thereof; and if the sale is in the Province of Quebec at least one of such newspapers shall be a newspaper published in the English language and one other newspaper shall be a newspaper published in the French language;

Conditions
of sale of
live stock.

(b) every sale of live stock shall be made by public auction not less than five days after

(i) publication of an advertisement of the time and place of the sale in a newspaper, or in the Province of Quebec in two newspapers, one in the English language and one in the French language, published in or nearest to the place where the sale is to be made, and

(ii) posting of a notice in writing, which notice shall, in the Province of Quebec, be in the English and the French languages, of the time and place of such sale; in or at the post office nearest to the place where the sale is to be made;

and the proceeds of such a sale of live stock, after deducting all expenses incurred by the bank and all expenses of seizure and sale, shall first be applied to satisfy privileges, liens or pledges having priority over the security given to the bank and for which claims have been filed with the person making the sale, and the balance shall be applied in payment of the debt, liability, loan or advance, with interest and the surplus if any returned to the person by whom such security was given;

any sale of property by the bank under this subsection vests in the purchaser all the right and title in and to the property that the person from whom security was taken under section 86 had when the security was given or that the person from whom security was taken under section 88 had when the security was given and that he acquired thereafter.

(5) Where goods, wares and merchandise are manufactured or produced from goods, wares and merchandise, or any of them, mentioned in or covered by any warehouse receipt or bill of lading acquired and held by the bank or any security given to the bank under section 88, the bank has the same rights and powers in respect of the goods, wares and merchandise so manufactured or produced, as well during the process of manufacture or production as after the completion thereof, and for the same purposes and upon the same conditions as it had with respect to the original goods, wares and merchandise.

Goods manufactured from articles pledged.

(6) Where payment or satisfaction of any debt, liability, loan or advance in respect of which the bank has taken security under section 86 or 88 is guaranteed by a third person and such debt, liability, loan or advance is paid or satisfied by the guarantor, such guarantor is subrogated in and to all of the powers, rights and authority of the bank under the security that the bank holds in respect thereof under sections 86 and 88 and this section.

Subrogation of security.

(7) The bank may assign to any person all or any of its rights and powers in respect of any property on which security has been given to it under paragraph (f), (g), (h) or (i) of subsection (1) of section 88, whereupon such person has and may exercise all or any of the rights, powers and authority of the bank under such security.

Bank may assign its rights.

90. (1) The bank shall not acquire or hold any warehouse receipt or bill of lading, or any security under section 88, to secure the payment of any debt, liability, loan or advance unless such debt, liability, loan or advance is contracted or made

Conditions under which bank may take security.

- (a) at the time of the acquisition thereof by the bank, or
- (b) upon the written promise or agreement that a warehouse receipt or bill of lading or security under section

88 would be given to the bank, in which case the debt, liability, loan or advance may be contracted or made before or at the time of or after such acquisition, and such debt, liability, loan or advance may be renewed, or the time for the payment thereof extended, without affecting any security so acquired or held.

Exchanging
of ware-
house receipt
for bill of
lading and
vice versa.

(2) The bank may

(a) on the shipment of any property for which it holds a warehouse receipt, or any security under section 88, surrender the receipt or security and receive a bill of lading in exchange therefor;

(b) on the receipt of any property for which it holds a bill of lading, or any security under section 88, surrender the bill of lading or security, store the property and take a warehouse receipt therefor, or ship the property, or part of it, and take another bill of lading therefor;

(c) surrender any bill of lading or warehouse receipt held by it and receive in exchange therefor any security that may be taken under this Act;

(d) when it holds any security under section 88 on grain in any elevator, take a bill of lading covering the same grain or grain of the same grade or kind shipped from such elevator, in lieu of such security, to the extent of the quantity shipped; and

(e) when it holds any security whatever covering grain, take in lieu of such security, to the extent of the quantity covered by the security taken, a bill of lading or warehouse receipt for, or any document entitling it under the provisions of the *Canada Grain Act* to the delivery of, the same grain or grain of the same grade or kind.

Interest and Charges.

Interest
exceeding
6% shall not
be charged.

91. (1) Except as provided in subsection (2), no bank shall in respect of any loan or advance payable in Canada stipulate for, charge, take, reserve or exact any rate of interest or any rate of discount exceeding six per cent per annum and no higher rate of interest or rate of discount is recoverable by the bank.

Minimum
charges.

(2) Where the interest or discount on any loan or advance amounts to less than one dollar the bank may, notwithstanding subsection (1), stipulate for, charge, take, reserve or exact a total charge in respect of interest or discount not exceeding one dollar, except that where the loan or advance is not in excess of twenty-five dollars and the interest or discount thereon is less than fifty cents, the maximum charge in respect thereof shall not exceed fifty cents.

92. The bank may, in discounting a bill of exchange, promissory note or other negotiable instrument, in order to defray the expense of collection thereof, charge in addition to the discount thereon,

Charges on discounts.

- (a) where the instrument is payable at a branch of the bank in Canada and is discounted at another branch, an amount not exceeding one-eighth of one per cent of the amount of the instrument or fifteen cents, whichever is greater, or
- (b) where the instrument is payable at a place in Canada, other than a branch of the bank, an amount not exceeding one-fourth of one per cent of the amount of the instrument or twenty-five cents, whichever is greater.

93. (1) No bank shall make a charge for cashing a cheque or other instrument drawn on the Receiver General or on his account in the Bank of Canada or in any other bank, or for cashing any other instrument issued as authority for the payment of money out of the Consolidated Revenue Fund, or in respect of any cheque or other instrument drawn in favour of the Receiver General, the Government of Canada or any department thereof or any public officer in his capacity as such, and tendered for deposit to the credit of the Receiver General.

Official cheques and cheques payable to government to be paid at par

(2) No bank shall directly or indirectly charge or receive any sum for the keeping of an account unless the charge is made by express agreement between the bank and the customer.

Charges for keeping accounts

Deposits.

94. (1) Where

- (a) a debt payable in Canada in Canadian currency is owing by the bank by reason of a deposit at a branch of the bank in Canada in respect of which no transaction has taken place and no statement of account has been requested or acknowledged by the creditor during a period of ten years reckoned

Transfer to Bank of Canada of unclaimed deposits, etc

- (i) in the case of a deposit made for a fixed period, from the day on which the fixed period terminated, and
 - (ii) in the case of any other deposit, from the day on which the last transaction took place or a statement of account was last requested or acknowledged by the creditor, whichever is later, or
- (b) a cheque, draft or bill of exchange (including an instrument drawn by one branch of the bank upon another branch of the bank) payable in Canada in Canadian currency has been issued, certified or

accepted by the bank at a branch of the bank in Canada and no payment has been made in respect thereof for a period of ten years from the date of issue, certification or acceptance

the bank shall pay to the Bank of Canada an amount equal to the amount owing by the bank in respect of the debt or to the amount that would be owing if the instrument had been presented for payment, including interest, if any, in accordance with the terms of the debt or instrument, and payment accordingly discharges the bank from all liability in respect of the debt or instrument.

Minister
may direct
bank to
withhold
payment in
case of doubt.

(2) Where in the opinion of the Minister, there is doubt as to who is entitled to payment of a debt or instrument specified in subsection (1) he may, in writing, direct the bank to withhold the payment required by subsection (1) and the bank shall not make the payment until directed to do so in writing by the Minister.

Payment to
claimant.

(3) Subject to subsection (4) of section 18 of the *Bank of Canada Act*, where payment has been made to the Bank of Canada under subsection (1) with respect to a debt or instrument, the Bank of Canada, if payment is demanded or the instrument is presented at the Bank of Canada by the person who, but for subsection (1), would be entitled to receive payment of the debt or instrument, is liable to pay at its agency in the province in which the debt or instrument was payable, an amount equal to the amount so paid to it, with interest thereon for a period not exceeding twenty years, from the day on which the payment was received by the Bank of Canada until the date of payment to the claimant, at such rate and computed in such manner as the Treasury Board determines if interest was payable in accordance with the terms of the debt, and such liability may be enforced by action against the Bank of Canada in a court of competent jurisdiction in the province in which the debt or instrument was payable.

Retention
of records.

(4) Where the bank has paid an amount to the Bank of Canada under subsection (1) in respect of a debt or instrument, it shall keep all signature cards and signing authorities relating to the debt or instrument until the Bank of Canada notifies the bank that they are no longer required and thereafter may destroy them.

Statutes of
limitation
not to apply.

(5) Except as provided in subsection (1) of this section, and in subsection (2) of section 74, no debt owing by the bank by reason of a deposit is extinguished and no action to enforce payment thereof is barred by any statute of prescription or limitation.

Deposits
may be
received
from
persons
unable to
contract.

95. (1) The bank may without the authority, aid, assistance or intervention of any other person or official being required,

(a) receive deposits from any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not, and

(b) from time to time pay any or all of the principal Payments. thereof and any or all of the interest thereon to or to the order of such person, unless before payment the money so deposited in the bank is claimed by some other person in any action or proceeding to which the bank is a party and in respect of which service of a writ or other process originating such action or proceeding has been made on the bank, or in any other action or proceeding pursuant to which an injunction or order made by the court requiring the bank not to make payment of such money or to make payment thereof to some person other than the depositor has been served on the bank, and in the case of any such claim so made the money so deposited may be paid to the depositor with the consent of the claimant or to the claimant with the consent of the depositor.

(2) The bank may allow any rate of interest on a debt Interest. payable by the bank by reason of a deposit.

96. (1) The bank is not bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit made under the authority of this Act is subject. Bank not bound to see to trust in deposits.

(2) When any deposit made under the authority of this Act is subject to a trust of which the bank has notice, the receipt or cheque of the person in whose name any such deposit stands, or, if it stands in the names of two or more than two persons, the receipt or cheque of all such persons or of such of them as under the document creating the trust may be entitled to receive such deposit is, notwithstanding any trust to which such deposit is then subject, a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit and the bank is not bound to see the application of any money paid upon such receipt or cheque. Payment where bank has notice of trust.

(3) Except only in the case of a claim made in the manner referred to in paragraph (b) of subsection (1) of section 95, by some other person before repayment, the receipt or cheque of the person in whose name any deposit stands, or, if it stands in the names of two persons, the receipt or cheque of one, or, if it stands in the names of more than two persons, the receipt or cheque of the majority of such persons is a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit. Payments in other cases.

Garnishee,
writ, affect
only branch
where served.

(4) An attaching or garnishee order or summons or a writ of extent affects and binds only property in the possession of the bank belonging to, or moneys to the credit of, the debtor at the branch where such order, summons or writ or notice thereof is served.

Where
depositor
dies, claim
not
exceeding
\$2,000, how
proved.

97. (1) Where a person dies, having a deposit with the bank not exceeding two thousand dollars, the production to the bank of

- (a) any authenticated copy of the probate of the will of the deceased depositor, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in a country of the British Commonwealth or any colony, dependency or protectorate of any such country, or of any testament-testamentary or testament-dative expedite in Scotland,
- (b) an authentic copy of the will of the deceased depositor, if such will is in notarial form, according to the law of the Province of Quebec, or
- (c) if the deceased depositor died elsewhere than in a place mentioned in paragraph (a), any authenticated copy of the probate of his will, or of letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters,

is sufficient justification and authority for paying such deposit, in pursuance of and in conformity to such probate, letters of administration, or other document.

Deposit of
copy of
document

(2) When the authenticated copy or other document of like import is produced to the bank under subsection (1) there shall be deposited with the bank a true copy thereof.

Payment in
Bank of
Canada
notes.

98. The bank, when making any payment shall, on the request of the person to whom the payment is to be made, make the payment or a part thereof, not exceeding one hundred dollars, as that person requests, in Bank of Canada notes for one, two or five dollars each.

PURCHASE OF ASSETS AND AMALGAMATION.

Banks may
buy and sell
assets.

99. (1) A bank may sell the whole or part of its assets to any other bank and the other bank may purchase them.

Terms of
agreement.

(2) The terms of purchase and sale of assets under this section shall be specified in an agreement (hereinafter called a "sale agreement") entered into between the banks concerned in accordance with section 101.

(3) Where, pursuant to a sale agreement, a bank is required to issue shares of its capital stock by way of consideration under the agreement and for such purpose it is necessary to increase the capital stock of the bank, the shareholders may, notwithstanding anything in this Act, by by-law, increase the capital stock to the extent necessary to comply with the agreement, and the provisions of this Act relating to the increase of capital stock and the offer and sale of such increased stock do not apply in respect of the increase of capital stock under this section or the shares issued as a result of the increase; a by-law made under this subsection has no force or effect unless and until the sale agreement is approved by the Governor in Council under section 102.

Issue of
stock as
consideration.

(4) The approval by the Governor in Council under section 102 of a sale agreement vests in the purchasing bank the assets of the selling bank that under the agreement are purchased by the purchasing bank, and, subject to the agreement, the selling bank shall thereafter, if requested by the purchasing bank, execute such formal and separate conveyances, assignments and assurances as are reasonably required to confirm or evidence the vesting in the purchasing bank of the full title and ownership of the said assets.

Effect of
agreement.

(5) Upon approval of a sale agreement by the Governor in Council, the purchasing bank becomes liable instead of the selling bank to discharge all obligations of the selling bank that have been assumed by the purchasing bank under the agreement and, notwithstanding anything in the agreement, to redeem the outstanding notes of the selling bank issued for circulation in a country outside Canada exclusive of those in respect of which payment has been made as contemplated by subsection (3) of section 72, and the notes shall be deemed for all purposes to be notes of the purchasing bank.

Liability of
purchasing
bank for
obligations of
selling bank.

(6) When the Governor in Council has approved a sale agreement, the selling bank may thereafter carry on business only to the extent necessary to enable the directors to carry out the sale agreement and wind up the business of the bank.

Winding-up
of selling
bank.

100. (1) Any two or more banks may amalgamate for the purpose of continuing as one bank (hereinafter called the "amalgamated bank") under the name of one of the amalgamating banks or under a new name.

Amalgama-
tion.

Agreement.

(2) The banks proposing to amalgamate shall enter into an agreement (hereinafter called an "amalgamation agreement"), in accordance with section 101, prescribing

- (a) the terms of the amalgamation,
- (b) the name of the amalgamated bank,

- (c) the names, callings and places of residence of the directors of the amalgamated bank who shall hold office until the first annual meeting,
- (d) the capital of the amalgamated bank,
- (e) the manner and terms of issuing shares of the amalgamated bank to the shareholders of the banks that are parties to the agreement, and
- (f) such other matters as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated bank.

Effect of
agreement

(3) The approval by the Governor in Council under section 102 of an amalgamation agreement amalgamates the banks that are parties to the agreement and creates them one body politic and corporate and they shall continue thereafter as one bank under the name specified in the agreement.

Rights,
liabilities of
amalgamated
banks.

(4) The amalgamated bank owns and possesses all the property, rights and interests and is subject to all the duties, liabilities and obligations of each of the parties to the amalgamation agreement, and the outstanding notes of the parties to the agreement shall be deemed for all purposes to be notes of the amalgamated bank.

Act is
charter.

(5) When approved by the Governor in Council, the amalgamation agreement has the force of law and, subject to the agreement, this Act, except section 14, applies to and is the charter of the amalgamated bank.

Conditions
applicable to
sale and
amalgama-
tion.
Submission
of agreement
to share-
holders.
Notice of
meeting.

101. (1) This section and section 102 apply in respect of a sale agreement and an amalgamation agreement.

(2) The terms of a proposed agreement shall be submitted to the shareholders of each of the banks that are to become parties thereto either at an annual general meeting or at a special general meeting duly called for the purpose.

(3) The directors of each bank shall cause a draft of the proposed agreement to be sent by registered mail to every shareholder of the bank at his recorded address at least four weeks prior to the date of the meeting at which the agreement is to be submitted, together with a notice of the time and place of the holding of the meeting.

Approval
of agreement
by share-
holders.

(4) If at a meeting of the shareholders of each bank at which the proposed agreement is submitted in accordance with this section, the agreement is approved by resolution carried by the votes of shareholders, voting in person or by proxy, representing not less than two-thirds of the amount of the subscribed capital stock of the bank, the agreement may be executed on behalf of each bank.

Approval by
Governor in
Council.

102. (1) A sale or amalgamation agreement has no force or effect until it has been approved by the Governor in Council.

(2) The Governor in Council shall not approve the agree- Conditions.
ment unless

- (a) the Minister, before the proposed agreement was submitted to the shareholders, in writing approved the making of such an agreement by the banks concerned,
- (b) the Treasury Board recommends that the agreement be approved,
- (c) he is satisfied that the shareholders of the parties to the agreement have approved the agreement in accordance with section 101,
- (d) the application for approval is made within three months from the date of execution of the agreement, and
- (e) notice of the intention of the parties to the agreement to apply to the Governor in Council for approval of the agreement has been published for at least four weeks in the *Canada Gazette* and in one or more newspapers published in the place where the head office of each bank is situate.

(3) The approval of the Governor in Council of an agree- Evidence of
approval.
ment shall be evidenced by an Order of the Governor in Council and a copy of the Order purporting to have annexed thereto a true copy of the agreement, certified by the Clerk or Assistant Clerk of the Privy Council for Canada, is in all courts and for all purposes, *prima facie* evidence of the agreement, of the due execution thereof, of its approval by the Governor in Council and of the regularity of all proceedings in connection therewith.

(4) Nothing in this Act shall be construed as precluding Refusal.
the Minister, the Treasury Board or the Governor in Council from refusing to give or to recommend any approval that is required in respect of an agreement.

RETURNS.

103. (1) The bank shall, within the first twenty-eight Monthly
return in
form of
Schedule M.
days of each month, make a return to the Minister and to the Bank of Canada in the form set out in Schedule M, which shall present fairly the financial position of the bank on the last day of the last preceding month.

(2) Where a bank carries on the business of banking Controlled
corporation
outside
Canada.
outside Canada in the name of a corporation controlled by the bank, and owns all the issued capital stock of the corporation except the qualifying shares of directors, the assets and liabilities of the corporation shall be consolidated with those of the bank for the purposes of the return required by this section and attention drawn to the consolidation by way of footnote.

Return date
for branches.

(3) Where the return of a branch of the bank or of a corporation referred to in subsection (2) for the last day of a month does not, before the tenth day of the next following month, reach

(a) the head office of the bank, or

(b) the office of the general manager, if his office is at a place other than the head office,
the return last received from the branch or corporation showing, as far as that branch or corporation is concerned, the financial position of the bank at the date specified therein may be used in the preparation of the return required by this section.

Amendment
of
Schedule M.
Monthly
cash reserve
return.

(4) The Governor in Council may amend Schedule M.

104. The bank shall, within the first twenty-eight days of each month, make a return to the Minister and to the Bank of Canada, in a form prescribed by the Minister, of its cash reserve for the last preceding month showing the information appropriate to determine the reserve as defined in subsection (2) of section 71.

Return of
foreign
currencies.

105. The bank shall, at such times and in such form as the Minister prescribes, make a return to the Minister of its assets, cash reserves and liabilities that are valued or payable in foreign currencies.

Annual
return in
form of
Schedule Q.

106. The bank shall, within thirty days after the end of each calendar year, make a return to the Minister in the form set out in Schedule Q for the financial year of the bank ending in that calendar year.

Annual
return of
outstanding
loans.

107. The bank shall, once in each year, make a return to the Minister, in accordance with regulations of the Treasury Board, with respect to loans made by the bank in Canada that are outstanding on a day specified in the regulations.

Annual
return of
deposit
liabilities.

108. The bank shall, once in each year, make a return to the Minister, in accordance with regulations of the Treasury Board, with respect to deposit liabilities of the bank payable at branches of the bank in Canada in Canadian currency on a day specified in the regulations.

Annual
return of
unclaimed
deposits.

109. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year with respect to all debts payable by the bank in Canada in Canadian currency by reason of deposits at branches of the bank in Canada in respect of which no transaction has taken place and no statement of account has been requested or acknowledged

by the creditor during a period of nine years or more, reckoned

- (a) in the case of a deposit made for a fixed period, from the day on which the fixed period terminated, and
 - (b) in the case of any other deposit, from the day on which the last transaction took place or a statement of account was last requested or acknowledged by the creditor, whichever is later,
- until the date of the return.

(2) A return made under subsection (1) shall show

- (a) the name of each creditor to whom, according to the books of the bank, the debts are payable,
- (b) the recorded address of each such creditor,
- (c) the amount payable to each such creditor, and
- (d) the branch of the bank at which the last transaction took place with respect to the debt, and the date thereof.

Content of
return.

110. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year of every cheque, draft or bill of exchange (including an instrument drawn by one branch of the bank upon another branch of the bank) payable in Canada in Canadian currency that has been issued, certified or accepted by the bank at a branch of the bank in Canada and in respect of which no payment has been made for a period of nine years or more reckoned from the date of issue, certification or acceptance until the date of the return.

Annual
return of
unpaid
instruments.

(2) A return made under subsection (1) shall show

- (a) the name of each person to whom or at whose request each instrument was issued, certified or accepted,
- (b) the recorded address of each such person,
- (c) the name of the payee of each instrument,
- (d) the amount and date of each instrument,
- (e) the name of the place where each instrument was payable, and
- (f) the branch of the bank at which each instrument was issued, certified or accepted.

Content of
return.

111. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year of all dividends that have become payable and have remained unpaid and unacknowledged by the shareholder or his legal representative for a period of more than five years reckoned from the day on which the dividend became due and payable until the date of the return.

Annual
return of
unpaid
dividends.

Content of
return.

- (2) A return made under subsection (1) shall show
- (a) the name of each shareholder to whom a dividend to which subsection (1) applies is payable,
 - (b) the recorded address of each such shareholder, and
 - (c) the total amount of dividends to which subsection (1) applies that is payable to each shareholder.

Idem.

(3) Where the total amount of dividends payable to a shareholder is less than twenty-five dollars and has been included in returns made under this section for two consecutive years, the bank may thereafter omit the particulars required by subsection (2) from further returns made under this section unless the amount increases to twenty-five dollars or more.

Notice of
unpaid
amount to
person
entitled.

112. (1) The bank shall mail to each person, insofar as known to the bank,

- (a) to whom a debt referred to in section 109 is payable,
- (b) to whom or at whose request an instrument referred to in section 110 was issued, certified or accepted, and
- (c) to whom a dividend referred to in section 111 is payable,

at his recorded address, a notice in writing stating that the debt, instrument or dividend, as the case may be, remains unpaid.

When notice
to be given.

(2) The notice required by subsection (1) shall be given during the month of January next after the end of the first two-year period, and also during the month of January next after the end of the first five-year period, in respect of which

- (a) no transaction has taken place and no statement of account has been requested or acknowledged by the creditor,
 - (b) the instrument has remained unpaid, or
 - (c) the dividend has remained unpaid,
- as the case may be.

Annual
return of
interest
charges.

113. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister in the form of a declaration in writing disclosing whether, according to the books of the bank and the signed returns received from the managers of branches, the bank has, during that calendar year, stipulated for, charged, taken, reserved or exacted in respect of any loan or advance payable in Canada any rate of interest or discount exceeding the rate authorized by section 91.

Signature.

(2) A declaration required by this section shall be signed by the persons who are required to sign the declaration mentioned in subsection (1) of section 118.

114. The bank shall, once in each year, make a return to the Minister at such time and in such form as the Minister prescribes, of the real or immovable property held by the bank that has ceased to be required for its own use as determined in accordance with subsection (2) of section 81.

115. (1) The bank shall, within thirty days after each annual general meeting of the shareholders, make a return to the Minister showing

- (a) the name and address of each director elected at the meeting, the banks and corporations of which he is a director and the firms of which he is a member, and
- (b) the names of the president and vice-president of the bank.

(2) Where a vacancy occurs in the board of directors or in the office of president or vice-president, the bank shall, forthwith upon the vacancy being filled, notify the Minister of the name and address of the person who fills the vacancy and the banks and corporations of which he is a director and the firms of which he is a member.

(3) Where a change is made in the holder of the office of general manager or chief accountant, the bank shall forthwith notify the Minister of the name of the person appointed to the office.

116. The bank shall, within thirty days after the end of each calendar year, make a return to the Minister of its shareholders according to its books as at the end of the financial year of the bank ending in that calendar year, showing

- (a) the name of each shareholder who holds five hundred or more shares of the capital stock of the bank,
- (b) the city, town or other place of the recorded address of each such shareholder,
- (c) the number of shares held by him and the amount, if any, remaining to be paid thereon, and
- (d) the total number of all other shareholders of the bank, the total number of shares held by them and the total amount, if any, remaining to be paid thereon.

117. (1) In addition to the returns required by sections 103 to 116, the bank shall furnish to the Minister

- (a) the documents required to be sent to him under section 44, subsection (4) of section 58 and subsection (16) of section 61, and
- (b) such other information in such form as the Minister may require.

(2) The Minister may, in any case of doubt, determine (a) the information that is to be included in any classification, and

(b) in which classification particular information shall be included,
in any form prescribed by or under this Act.

Extension
of time.

(3) The Minister may, in his discretion, extend the time for making a return required by this Act for a period not exceeding thirty days.

Declaration
to be
annexed.

118. (1) A return made by a bank under sections 103 to 111 shall have annexed thereto as part of the return, a declaration in the form set out in Schedule R, signed

(a) as to Part I thereof, by the chief accountant or a person authorized to sign in the place of the chief accountant, and

(b) as to Part II thereof, by the president, a vice-president or a director authorized to sign in the place of the president, and by the general manager or a person authorized to sign in the place of the general manager.

Signature

(2) A return made by a bank under section 114, 115 or 116 shall be signed by the president, a vice-president or a director authorized to sign in the place of the president, and by the general manager or a person authorized to sign in the place of the general manager.

Returns to
be laid before
Parliament.

119. (1) Each return made under section 109, 110, 111 or 116 and a compilation for all banks of the information contained in the returns made under sections 106, 107 and 108 shall be laid before Parliament within fifteen days after the expiry of the time prescribed by or pursuant to this Act for making the return or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session.

Publication.

(2) The Minister shall, in each year, cause the information contained in the returns made under section 109, 110 or 111 in that year and the compilations of the information contained in the returns made under sections 106, 107 and 108, to be published in the *Canada Gazette* within thirty days after the expiry of the time prescribed by or pursuant to this Act for making the return.

INSOLVENCY.

Suspension
for 90 days to
constitute
insolvency.

120. Any suspension by the bank of payment of any of its liabilities as they accrue, in Bank of Canada notes, if it continues for ninety days consecutively, or at intervals within twelve consecutive months, constitutes the bank insolvent.

Charter to
remain in
force for
calls and
winding-up.

121. The charter or Act of incorporation of the bank in the case mentioned in section 120, remains in force only for the purpose of enabling the directors, or other lawful

authority, to make and enforce the calls mentioned in section 122, and to wind up the business of the bank.

122. (1) Where any suspension of payment in full, in Bank of Canada notes, of any of the liabilities of the bank, continues for three months after the expiration of the time that, under section 120 would constitute the bank insolvent, and no proceedings are taken under any Act for the winding-up of the bank, the directors shall make calls on each shareholder thereof to the amount they deem necessary to pay all the debts and liabilities of the bank not exceeding the amount uncalled on his shares, without waiting for the collection of any debts due to the bank or the sale of any of its assets or property.

If no proceedings within 3 months thereafter, directors to make calls

(2) The following provisions apply in respect of calls made under subsection (1), namely:

Provisions applicable to calls.

- (a) the calls shall be payable at intervals of thirty days;
- (b) notice of the calls shall be given to the shareholders;
- (c) any number of calls may be made by one resolution;
- (d) no call shall exceed twenty per cent of the amount subscribed in respect of each share;
- (e) payment of calls may be enforced in like manner as payment of any other calls under this Act;
- (f) the first of such calls may be made within ten days after the expiration of the said three months;
- (g) in the event of proceedings being taken under any Act for the winding-up of the bank in consequence of the insolvency of the bank, the calls shall be made in the manner prescribed for the making of such calls in such Act; and
- (h) failure on the part of a shareholder to pay any such call when due constitutes a forfeiture by the shareholder of all claim in or to any part of the assets of the bank; but the call and any further call thereafter is recoverable from him as if no forfeiture had taken place.

123. The following persons, namely,

- (a) persons who, having been shareholders of the bank, have transferred their shares, or any of them, within sixty days before the commencement of the suspension of payment by the bank, and
- (b) persons whose shares of the capital stock of the bank have been forfeited within sixty days before the commencement of the suspension of payment by the bank,

Liability of shareholders who have transferred their stock.

Or whose shares have been forfeited.

are liable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held.

Order of
charges.

124. In the case of the insolvency of the bank

- (a) the payment of the notes issued by the bank, intended for circulation in a country outside Canada and then in circulation, exclusive of those in respect of which payment has been made as contemplated by subsection (3) of section 72, shall be the first charge upon the assets of the bank,
- (b) the payment of any amount due to the Government of Canada, in trust or otherwise, shall be the second charge upon such assets,
- (c) the payment of any amount due to the government of a province, in trust or otherwise, shall be the third charge upon such assets, and
- (d) the amount of any penalties for which the bank is liable shall be a charge upon the assets of the bank after all other liabilities are paid.

CURATOR.

Minister
to appoint
curator.

125. (1) The Minister shall, if a bank suspends payment in Bank of Canada notes of any of its liabilities as they accrue, forthwith appoint in writing a curator to supervise the affairs of the bank.

Idem

(2) The Minister may, if the Inspector reports that in his opinion a bank is insolvent, forthwith appoint in writing a curator to supervise the affairs of the bank.

Removal.

126. The Minister may at any time remove the curator and may appoint in writing another person to act in his stead.

Powers and
duties of
curator.

127. (1) The curator shall assume supervision of the affairs of the bank, and of all necessary arrangements for the payment of the notes of the bank issued for circulation in a country outside Canada, and, at the time of his appointment, outstanding and in circulation, exclusive of those in respect of which payment has been made as contemplated by subsection (3) of section 72.

Generally

(2) The curator has generally all powers and shall take all steps and do all things necessary or expedient to protect the rights and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper disposition, according to law, of the assets of the bank; and, for the purposes of this section, he is entitled to free and full access to all books, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank.

Supervision.

(3) The curator shall supervise the affairs of the bank until he is removed from office, or until a liquidator is duly appointed to wind up the business of the bank.

128. The directors, officers and employees of the bank shall give and afford to the curator all such information and assistance as he requires in the discharge of his duties.

Officers and employees to assist curator.

129. No by-law, regulation, resolution or act, relating to the affairs or management of the bank, passed, made or done by the directors during the time the curator is in charge of the bank, is of any force or effect until approved in writing by the curator.

No act of directors valid unless approved by curator.

130. The remuneration of the curator for his services, and his expenses and disbursements in connection with the discharge of his duties, shall be fixed and determined by a judge of a superior court in the province where the head office of the bank is situate, and shall be paid out of the assets of the bank, and, in case of the winding-up of the bank, shall rank on the estate equally with the remuneration of the liquidator.

Remuneration of curator.

LIQUIDATOR.

131. A liquidator appointed to wind up the affairs of a bank shall furnish to the Minister such information, in such form, relating to the affairs of the bank, as the Minister may require of him.

Returns by liquidator.

PAYMENTS UPON WINDING-UP.

132. (1) Notwithstanding the *Winding-Up Act*, where the business of the bank is being wound up, the liquidator shall pay to the Minister on demand and in any event before the final winding-up thereof, any amount that is payable by the liquidator to a creditor or shareholder of the bank to whom payment thereof has not, for any reason, been made.

Unclaimed money on winding-up to be paid to Minister.

(2) The Minister shall pay to the Bank of Canada any amounts paid to him under subsection (1).

Payment to Bank of Canada.

(3) The Minister shall, forthwith upon the coming into force of this Act, pay to the Bank of Canada out of the Consolidated Revenue Fund an amount equal to

Idem.

(a) any amount that has been paid to the Minister before the coming into force of this Act representing an amount payable by a liquidator to a creditor in respect of the winding-up of a bank specified in Schedule O less any principal amounts thereof paid out of the Consolidated Revenue Fund by the Minister under statutory authority, and

(b) any amount to which a person is entitled under *The Home Bank Creditors' Relief Act, 1925*, that has not, at the coming into force of this Act, been paid to the

person entitled thereto, which shall be deemed to have been a claim against the liquidator and to have become payable on the 17th day of August, 1923.

Liquidator
and bank
discharged.

(4) Payment by a liquidator to the Minister under this section discharges the liquidator and the bank in respect of which the payment is made from all liability for the amount so paid and payment by the Minister to the Bank of Canada under this section discharges the Minister from all liability for the amount so paid.

Liability of
Bank of
Canada.

(5) Subject to subsection (4) of section 18 of the *Bank of Canada Act*, where payment has been made to the Bank of Canada of an amount under this section, the Bank of Canada, if payment is demanded by the person who, but for this section, would be entitled to receive payment of that amount from the liquidator or the Minister, is liable to pay at its head office an amount equal to the amount so paid to it, with interest thereon for the period, not exceeding twenty years, from the day on which the payment was received by the Bank of Canada until the date of payment to the claimant, at such rate and computed in such manner as the Treasury Board determines, and such liability may be enforced by action against the Bank of Canada in any court of competent jurisdiction in Canada.

Outstanding
notes.

133. (1) Notwithstanding the *Winding-Up Act*, where the business of the bank is being wound up and notes of the bank issued for circulation in a country outside Canada, exclusive of those in respect of which payment has been made as contemplated by subsection (3) of section 72, are outstanding, the liquidator shall, before the final winding-up but not later than three years from the commencement of the winding-up, out of the assets of the bank,

(a) pay, in accordance with arrangements prescribed by the Treasury Board, to a person in that country, an amount in the currency of that country equal to the amount of the notes, or

(b) pay to the Bank of Canada in Canadian currency an amount equal to the amount of the notes at a rate of exchange to be fixed by the Treasury Board, whichever the Treasury Board requires, and payment accordingly discharges the liquidator and the bank from all liability in respect of the notes.

Redemption.

(2) Notwithstanding any other Act, where a payment has been made to the Bank of Canada under this section, the Bank of Canada is liable to redeem the notes with respect to which the payment was made upon presentation thereof at the head office of the Bank of Canada, in Canadian currency at the rate of exchange that was fixed under subsection (1) in respect of the payment.

OFFENCES AND PENALTIES.

Payments of Incorporation and Organization Expenses.

134. (1) Every provisional director or director who, prior to the time at which the certificate permitting a bank to commence the business of banking has been obtained from the Treasury Board, authorizes or is a party to the payment of, or receives, out of moneys paid in by subscribers or interest thereon, any sum for commission, salary or charges for services in connection with or arising out of the incorporation or organization of the bank, is guilty of an offence against this Act.

Payment of expenses prior to obtaining Treasury Board certificate.

(2) Every general manager or other officer of a bank who, after the certificate has been obtained from the Treasury Board, pays or causes to be paid, out of moneys paid in by subscribers or interest thereon, any sum for or on account of the incorporation or organization expenses of the bank, and every director who authorizes payment of such sum, unless the sum so paid is mentioned or included in the statement submitted to the Treasury Board at the time at which the application is made under this Act to the Board for a certificate permitting the bank to commence the business of banking, is guilty of an offence against this Act.

After certificate obtained.

(3) Where no certificate from the Treasury Board has been obtained within the time limited by this Act, any provisional director or director who authorizes or is a party to the payment of or receives, out of moneys paid in by subscribers or interest thereon, any sum for commission, salary or charges for services in connection with or arising out of the incorporation or organization of the bank, unless provision had been made pursuant to section 17 for payment, is guilty of an offence against this Act.

When no certificate obtained.

Commencement of Business.

135. Every director or provisional director of a bank and every other person who, before the obtaining of the certificate from the Treasury Board required by this Act permitting the bank to commence business, transacts or authorizes the transaction of any business in connection with such bank, except as authorized by this Act to be transacted before the obtaining of such certificate, is guilty of an offence against this Act.

Commencing business without certificate.

Sale and Transfer of Shares.

136. Every person, whether principal, broker or agent, who sells or transfers or attempts to sell or transfer any share of the capital stock of a bank

Sale and transfer contrary to requirements.

(a) knowing that the person making the sale or transfer, or that the person in whose name or on whose behalf the sale or transfer is made, is not at the time of the sale or attempted sale the registered owner, or
 (b) without the assent to the sale of the registered owner thereof,
 is guilty of an offence against this Act, unless under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank.

Annual Statement.

Statements
not signed
as required.

137. Every bank that issues or publishes
 (a) a copy of the annual statement that has not been signed as required by section 58, or
 (b) a copy of the annual statement required by section 58 that does not have a copy of the auditor's report attached to the statement of assets and liabilities,
 and every director, officer or employee of the bank who is knowingly a party to the issue or publication is liable to a penalty of two hundred and fifty dollars.

Auditor.

Auditor
accepting
extra remun-
eration.

138. An auditor who accepts remuneration from a bank, contrary to subsection (17) of section 61, and every bank paying such remuneration is guilty of an offence against this Act.

Inspection.

Refusal
to give
evidence.

139. (1) A person who refuses to give evidence under oath or to produce any book or document material thereto when required to do so by the Inspector or his representative when acting under subsection (4) of section 63 is guilty of an offence against this Act.

Acceptance of
grant or
gratuity.

(2) The Inspector or any other person appointed or employed under section 62 who accepts a grant or gratuity in contravention of section 66 is guilty of an offence against this Act.

Making of
grant or
gratuity.

(3) Every bank that, and every director, officer or employee of a bank who, makes or pays a grant or gratuity in contravention of section 66 is guilty of an offence against this Act.

Disclosure
of
information.

(4) The Inspector or any other person appointed or employed under section 62 or any person to whom powers are delegated under subsection (4) of section 63 who discloses any information in contravention of section 67 is guilty of an offence against this Act.

Cash Reserves.

140. When a bank knowingly fails to maintain cash reserves as required by section 71, the amount of the deficiency shall be deemed to be a deficiency for the entire month in which it occurs and the bank is liable to a penalty at the rate of ten per cent per annum of the amount for that period.

Failure to
maintain
cash reserves.

Issue and Circulation of Notes.

141. Every bank that issues or re-issues a note contrary to paragraph (a) of subsection (2) of section 75, and every director, officer or employee of the bank who knowingly is a party thereto, is guilty of an offence against this Act.

Issue and
re-issue
of notes

142. Every person who issues or re-issues, makes, draws or endorses any bill, bond, note, cheque or other instrument, intended to circulate as money, or to be used as a substitute for money, is liable to a penalty of five hundred dollars.

Unauthor-
ized issue
of notes for
circulation

143. Every person who cuts, tears or otherwise mutilates, or in any way defaces a Bank of Canada note or a bank note is liable on summary conviction to a fine not exceeding twenty dollars.

Mutilation
of notes.

Prohibited Business.

144. (1) Every bank that violates any of the provisions of paragraph (b), (c), (d) or (e) of subsection (2) of section 75 is liable to a penalty of five hundred dollars in respect of each violation.

Bank doing
prohibited
business.

(2) Every bank that violates the provisions of paragraph (f) or (g) of subsection (2) of section 75 is liable to a penalty of five thousand dollars in respect of each violation.

Penalty.

(3) Except as authorized by this Act, if any director of a bank is present or votes at a meeting of the board during the time at the meeting when loans or advances to himself or any firm of which he is a member or any corporation of which he is a director are under consideration, the bank and the director are each liable to a penalty of five thousand dollars, and such director shall forthwith vacate his office of director and is not eligible for election as a director of a bank within a period of five years after the date of the said meeting of the board.

If director is
present or
votes
respecting
loans in
which
personally
interested.

(4) Every bank that, and every officer or employee of a bank who, violates the provisions of subsection (4) of section 75 is liable to a penalty of five hundred dollars in respect of each violation.

Acting as
agent for
insurance
company

Bank not
selling
shares
subject to
privileged
lien.

145. Every bank having, by virtue of this Act, a privileged lien for any debt or liability for any debt to the bank, on the shares of its own capital stock held by the debtor or person liable, that

(a) neglects to sell such shares within twelve months after such debt or liability has accrued and become payable, or

Or selling
without
notice.

(b) sells any such shares without giving notice to the holder thereof of the intention of the bank to sell the same, by mailing such notice to the holder at his recorded address at least thirty days prior to such sale,

Penalty.

is liable to a penalty of five hundred dollars.

Warehouse Receipts, Bills of Lading and other Security.

Making false
statements in
warehouse
receipt or bill
of lading or
document
under s. 88.

146. Every person who wilfully makes any false statement

(a) in any warehouse receipt or bill of lading given to a bank under the authority of this Act, or

(b) in any document giving or purporting to give security upon property to a bank under section 88,
is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Wilfully
disposing of
or with-
holding
goods
covered by
security.

147. Every person who, having possession or control of property mentioned in or covered by any warehouse receipt, bill of lading or any security given to the bank under section 88, and having knowledge of such receipt, bill of lading or security, without the consent of the bank in writing before the loan, advance, debt or liability thereby secured has been fully paid

(a) wilfully alienates or parts with any such property, or

(b) wilfully withholds from the bank possession of any such property if demand for such possession is made by the bank after failure to pay such loan, advance, debt or liability,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Non-com-
pliance
with
require-
ments for
sale.

148. Where any debt or liability to a bank is secured by

(a) any warehouse receipt or bill of lading, or

(b) any security upon property given to the bank under section 88,

and is not paid, the bank is liable to a penalty of five hundred dollars if it sells the property covered by such warehouse receipt, bill of lading or security under the power of sale conferred upon it by this Act without complying with the provisions of this Act applicable to the exercise of such power of sale.

Penalty.

149. Every bank that acquires or holds any warehouse receipt or bill of lading or any document signed and delivered to the bank giving or purporting to give to the bank security on property under section 88, to secure the payment of any debt, liability, loan or advance, is liable to a penalty of five hundred dollars unless

Acquisition of warehouse receipts, bills of lading, etc.

- (a) such debt, liability, loan or advance is contracted or made at the time of the acquisition by the bank of such warehouse receipt, bill of lading or document,
- (b) such debt, liability, loan or advance is contracted or made upon the written promise or agreement that a warehouse receipt, bill of lading or security under section 88 would be given to the bank, or
- (c) the acquisition or holding by the bank of the warehouse receipt, bill of lading or security is otherwise authorized by this Act.

Interest Charges.

150. Every bank that violates the provisions of section 91 is guilty of an offence and liable on summary conviction or on conviction upon indictment to a fine not exceeding five hundred dollars, and every person who, being an officer or employee of the bank, violates the provisions of section 91 is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

Violation of interest provisions.

Returns.

151. (1) Every bank that fails

(a) to make a return required to be made by it under this Act, or

Failure to make returns.

(b) to furnish to the Minister any information required to be furnished by it under subsection (1) of section 117, in the form and manner, within the time and containing the information prescribed by or pursuant to this Act, is liable to a penalty of fifty dollars for each day after the expiry of the time so prescribed for making the return or furnishing the information during which the failure continues.

(2) If any return required to be made or any information required to be furnished under or pursuant to this Act is transmitted by post, the date appearing by the stamp or mark of the post office in Canada upon the envelope or wrapper enclosing the return or information received by the Minister or by the Bank of Canada, as the date of deposit in the post office shall be taken *prima facie* for the purpose of subsection (1) to be the day upon which the return was made or the information was furnished.

Date of posting returns

False
statements.

152. (1) Every director, officer or employee of a bank and every auditor of a bank who knowingly prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive statement, or any return that does not present fairly information as required by this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Idem.

(2) Every director, officer or employee of a bank and every auditor of a bank who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive statement, or any return that does not present fairly information as required by this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years.

Suspension of Payment.

Calls

153. Every director of a bank who refuses to make or enforce or to concur in the making or enforcing of any call on the shareholders of the bank as required by section 122 is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Payment of
liabilities

154. Every director, officer or employee of a bank who, during any period of suspension of payment in Bank of Canada notes of any of the liabilities of the bank as they accrue, with knowledge of such suspension and without the consent of a duly appointed curator or liquidator, pays or causes to be paid to any person any debt or liability of the bank, is guilty of an offence against this Act.

Undue Preference to the Bank's Creditors.

Officers
giving
undue
preference
to any
creditor.

155. Every director, officer or employee of a bank who wilfully gives or concurs in giving to any creditor of the bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or otherwise, is guilty of an indictable offence, and liable to imprisonment for a term not exceeding two years.

Bank
officers
obtaining
gifts or
showing
favour

156. (1) Every person is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment or to a fine not exceeding twenty-five hundred dollars, or to both fine and imprisonment, and, upon summary conviction, to imprisonment for six months, or to a fine not exceeding five hundred dollars, or to both fine and imprisonment, who

(a) being a director, officer or employee of a bank, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs, or

(b) corruptly gives or agrees to give or offers any gift or consideration to a director, officer or employee of a bank as an inducement or reward or consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs.

Offering gifts or showing favour to bank officers.

(2) In this section "consideration" includes valuable consideration of any kind.

"Consideration" defined.

Use of the Title "bank", etc.

157. (1) Every person who, in any language, uses the word "bank", "banker" or "banking", either alone or in combination with other words, or any word or words of import equivalent thereto, to indicate or describe his business in Canada or any part of his business in Canada without being authorized so to do by this or any other Act, is guilty of an offence against this Act.

Unauthorized use of title "bank", etc.

(2) Every person other than a bank who uses the name of a bank in a prospectus or advertisement for the sale of securities of any kind other than those issued by or guaranteed as to principal and interest by Canada, and every bank that authorizes its name to appear in such a prospectus or advertisement or uses its name in such a prospectus or advertisement published in a newspaper, is guilty of an offence against this Act.

Use of bank's name in prospectus or advertisement.

Punishment for Offences against this Act.

158. Every person who commits an offence against this Act, is, unless otherwise provided by this Act, liable

Punishment for offences.

(a) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment; or

(b) on conviction upon indictment, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

Procedure.

Pecuniary
penalties.

159. (1) Unless otherwise provided by this Act, pecuniary penalties imposed upon a bank or person by this Act are recoverable and enforceable, with costs, at the suit of Her Majesty instituted by the Attorney General of Canada, and such penalties belong to Her Majesty in right of Canada, except that the Governor in Council, on the report of the Treasury Board, may direct that any portion of any penalty be remitted, or paid to any person, or applied in any manner deemed best adapted to attain the objects of this Act, and to secure the due administration thereof.

Waiver.

(2) The Minister may waive all or any part of the pecuniary penalties imposed by this Act in any case where in his opinion the circumstances so warrant.

REPEAL.

Repeal.

160. (1) The *Bank Act*, chapter 12 of the Revised Statutes of Canada, 1952, and *The Home Bank Creditors' Relief Act, 1925*, chapter 45 of the statutes of 1925, are repealed.

Saving.

(2) Notwithstanding subsection (1), the charter of the Home Bank of Canada remains in force for the purpose of enabling the liquidator of the bank to wind up the business of the bank.

COMING INTO FORCE.

Coming into
force.

161. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

SCHEDULE A

(Section 4)

Name of Bank	Additional name under which Bank is authorized to carry on business	Authorized capital stock	Head Office of the Bank
1. Bank of Montreal. . .	Banque de Montréal. . .	\$50,000,000	Montreal
2. The Bank of Nova Scotia.	La Banque de Nova Scotia.	25,000,000	Halifax
3. The Bank of Toronto. . .	La Banque de Toronto. . .	10,000,000	Toronto
4. La Banque Provinciale du Canada.	The Provincial Bank of Canada.	10,000,000	Montreal
5. The Canadian Bank of Commerce.	La Banque Canadienne de Commerce.	50,000,000	Toronto
6. The Royal Bank of Canada.	La Banque Royale du Canada.	50,000,000	Montreal
7. The Dominion Bank. . .	La Banque Dominion. . .	10,000,000	Toronto
8. Banque Canadienne Nationale.	National Canadian Bank.	10,000,000	Montreal
9. Imperial Bank of Canada.	Banque Impériale du Canada.	10,000,000	Toronto
10. Barclays Bank (Canada).	Banque de Barclays (Canada).	3,000,000	Montreal
11. The Mercantile Bank of Canada.	La Banque Mercantile du Canada.	3,000,000	Montreal

SCHEDULE B

(Section 9)

An Act to incorporate the———Bank.

Whereas the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. [*Insert names of those applying for incorporation; the full name, address and description of each director must be given*], together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name of [*insert name of bank*] hereinafter called "the Bank".

2. The persons named in section 1 shall be the provisional directors of the Bank.

3. The capital stock of the Bank shall be———dollars.

4. The head office of the Bank shall be at———.

5. Schedule A of the *Bank Act* is amended by adding thereto the following:

"[*Insert Name of Bank, Additional name under which Bank is authorized to carry on business, Authorized capital stock and Head office of the Bank*]"

SCHEDULE C

(Section 88 (1) (a), (b), (c) or (e) — security on all property of specified kinds)

For good and valuable consideration, the undersigned hereby assigns to the _____ Bank (hereinafter called "the bank") as security for the payment of all loans and advances made or to be made by the bank to the undersigned up to and including the _____ day of _____, 19____, pursuant to the application for credit and promise to give security made by the undersigned to the bank and dated the _____ day of _____, 19____, and any application(s) for credit and promise(s) to give security supplemental thereto made or to be made by the undersigned to the bank, or renewals of such loans and advances or substitutions therefor and interest on such loans and advances and on any such renewals and substitutions, all property of the kind(s) hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

(Description of property)*

and which is now or may hereafter be in the place or places hereinafter designated, to wit,—

(Designation of place or places)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of _____,
19____.

* (NOTE—The description of property and the designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.)

SCHEDULE D

(Section 88 (1) (d) (i) or (ii))

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for the purchase of seed grain (*or* seed potatoes), (*or* fertilizer) to be sown (*or* used) upon land situate in the Province of _____ and being _____, the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the seed grain (*or* seed potatoes) purchased and the crop to be grown therefrom upon the land aforesaid (*or* the fertilizer purchased and the crop to be grown from the land on which in the same season such fertilizer is to be used).

This security is given under the provisions of section 88 of the *Bank Act*.

DATED at _____ the _____ day of _____, 19____.

SCHEDULE E

(Section 88 (1) (d) (iii))

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for the purchase of binder twine for use in the harvesting of a crop grown on land situate in the Province of _____ and being _____, the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the binder twine purchased and the crop in the harvesting of which the binder twine is to be used.

This security is given under the provisions of section 88 of the *Bank Act*.

Dated at _____ the _____ day of _____, 19____.

SCHEDULE F

(Section 88 (1) (c) or (e)—security on particular property)

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the property hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

(*Description of property*)*

and which is now or may hereafter be in the place or places hereinafter designated, to wit,—

(*Designation of place or places*)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

*(NOTE—*The description of property and the designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.*)

SCHEDULE G

(Section 88 (1) (f) or (g))

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for the purchase (*or the installation or the purchase and installation, as the case may be*) of the property hereinafter described, the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the property hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

(*Description of property*)*

and which is now or may hereafter be in the place or places hereinafter designated, to wit,—

(*Designation of place or places*)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

*(NOTE—The description of property and the designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.)

SCHEDULE H

(Section 88(1) (h)—security on all agricultural implements)

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for (*state the purpose(s) of the loan or advance, being one or more (as the case may be) of those mentioned in section 88 (1) (h)*), the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the following property, to wit,—all agricultural implements as defined in the *Bank Act* of which the undersigned is now or may hereafter become the owner and which are now or may hereafter be in the place or places hereinafter designated, to wit,—

(*Designation of place or places*)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

*(NOTE—The designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.)

SCHEDULE I

(Section 88 (1) (h)—security on particular agricultural implements)

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for (*state the purpose(s) of the loan or advance, being one or more (as the case may be) of those mentioned in section 88 (1) (h)*), the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the property hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

(*Description of property*)*

and which is now or may hereafter be in the place or places hereinafter designated, to wit,—

(*Designation of place or places*)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

*(NOTE—The description of property and the designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.)

SCHEDULE J

(Section 88 (1) (i))

For good and valuable consideration, the undersigned hereby assigns to the _____ Bank (hereinafter called "the bank") as security for the payment of all loans and advances made or to be made by the bank to the undersigned up to and including the _____ day of _____, 19____, pursuant to the application for credit and promise to give security made by the undersigned to the bank and dated the _____ day of _____, 19____, and any application(s) for credit and promise(s) to give security supplemental thereto made or to be made by the undersigned to the bank, or renewals of such loans and advances or substitutions therefor and interest on such loans and advances and on any such renewals and substitutions, all property of the kind(s) hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

(Description of property)*

wherever such property may be; registered vessel(s) and/or recorded vessel(s) being built or equipped or about to be built comprised in the said property being the following:

(Number, name and port of registry of each registered or recorded vessel)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of _____,
19____.

*(NOTE—The description of property or any part thereof may be set out on the back of the form or in a schedule annexed.)

SCHEDULE K

(Section 88 (4) (k))

Notice of Intention

To Whom it May Concern:

.....
 (name of person, firm or company. P.O. address)

hereby gives notice that it is———intention to give
 security under the authority of section 88 of the *Bank Act*,
 to the———Bank.

Dated at———this———day of———, 19——.

SCHEDULE L

(Section 82 (2))

For good and valuable consideration, the undersigned
 hereby assigns, transfers and sets over to the———Bank
 (hereinafter called "the bank") as security for the payment
 of all loans and advances made or to be made by the bank
 to the undersigned or renewals of such loans and ad-
 vances or substitutions therefor and interest on such loans
 and advances and on any such renewals and substitutions,
 the following property of which the undersigned is now or
 may hereafter become the owner, to wit,—

(Description and location of property
 of any or all of the kinds mentioned
 in section 82 of the *Bank Act*)*

and the undersigned hereby covenants and agrees to sign
 and deliver to the bank such other and further assurances
 by way of transfer or otherwise as the bank may request.

This security is given under the provisions of section 82
 of the *Bank Act*.

The property now owned by the undersigned and hereby
 assigned is free from any mortgage, lien or charge thereon
 other than previous assignments, if any, to the bank (*or as
 the case may be*), and the undersigned warrants that the
 property which may hereafter be acquired by the under-
 signed and is hereby assigned shall be free from any mort-
 gage, lien or charge thereon, other than previous assign-
 ments, if any, to the bank (*or as the case may be*).

DATED at———, the———day of———,
 19——.

*(NOTE—The description and location of property or any
 part thereof may be set out on the back of the form or in
 a schedule annexed).

SCHEDULE M

(Section 103)

Return of the assets and liabilities of the.....
 Bank as at the.....day of.....19....

(In Canadian currency; thousands of dollars)

ASSETS

1. Gold and coin in Canada.....\$
2. Gold and coin outside Canada.....
3. Notes of and deposits with Bank of Canada
4. Government and bank notes other than Canadian.....
5. Deposits with other banks in Canadian currency.....
6. Deposits with other banks in currencies other than Canadian.....
7. Cheques and other items in transit, net....
8. Government of Canada treasury bills.....
9. Other Government of Canada direct and guaranteed securities maturing within two years, not exceeding market value.....
10. Government of Canada direct and guaranteed securities maturing after two years, not exceeding market value.....
11. Canadian provincial government direct and guaranteed securities, not exceeding market value.....
12. Canadian municipal and school corporation securities, not exceeding market value...
13. Other Canadian securities, not exceeding market value.....
14. Securities other than Canadian, not exceeding market value.....
15. Mortgages and hypothecs insured under the National Housing Act, 1954, less provision for estimated loss.....
16. Call and short loans in Canada to brokers and investment dealers, secured.....
17. Call and short loans outside Canada to brokers and investment dealers, secured.
18. Loans to Canadian provincial governments
19. Loans to Canadian municipalities and school corporations, less provision for estimated loss.....
20. Other current loans in Canada, less provision for estimated loss.....
21. Other current loans outside Canada, less provision for estimated loss.....

22. Non-current loans, less provision for estimated loss.....	
23. Bank premises at cost, less amounts written off.....	
24. Shares of and loans to corporations controlled by the bank.....	
25. Customers' liability under acceptances, guarantees and letters of credit, as per contra	
26. Other assets.....	<hr/>
	\$

LIABILITIES

1. Deposits by Government of Canada in Canadian currency.....	\$
2. Deposits by Canadian provincial governments in Canadian currency.....	
3. Deposits by other banks in Canadian currency.....	
4. Deposits by other banks in currencies other than Canadian.....	
5. Personal savings deposits payable after notice, in Canada, in Canadian currency	
6. Other deposits payable after notice, in Canadian currency.....	
7. Other deposits payable on demand, in Canadian currency.....	
8. Other deposits in currencies other than Canadian.....	
9. Advances from Bank of Canada, secured...	
10. Acceptances, guarantees and letters of credit.....	
11. Other liabilities.....	
12. Capital paid up.....	
13. Rest account.....	
14. Undivided profits at latest fiscal year end..	<hr/>
	\$

SUPPLEMENTARY INFORMATION

Aggregate amount of loans to directors and firms of which they are members, and loans for which they are guarantors.....\$

Approximate net amount in currencies other than Canadian included in "Cheques and other items in transit, net".....(Dr. or Cr.)\$

Branch returns antedating the last day of the month used in the preparation of this return:

Branch

Date of return

SCHEDULE N

(Section 58 (1) (a))

Statement of the assets and liabilities of the.....
 Bank as at the.....day of.....19....
 (In Canadian currency, omitting cents)

ASSETS

1. Gold and coin.....\$
2. Notes of and deposits with Bank of Canada
3. Government and bank notes other than Canadian.....
4. Deposits with other banks.....
5. Cheques and other items in transit, net....
6. Government of Canada direct and guaranteed securities, not exceeding market value
7. Canadian provincial government direct and guaranteed securities, not exceeding market value.....
8. Other securities, not exceeding market value
9. Mortgages and hypothecs insured under the National Housing Act, 1954, less provision for estimated loss.....
10. Call and short loans to brokers and investment dealers, secured.....
11. Other current loans, less provision for estimated loss.....
12. Non-current loans, less provision for estimated loss.....
13. Bank premises at cost, less amounts written off.....
14. Shares of and loans to corporations controlled by the bank.....
15. Customers' liability under acceptances, guarantees and letters of credit, as per contra.
16. Other assets.....

\$

LIABILITIES

1. Deposits by Government of Canada.....\$
2. Deposits by Canadian provincial governments.....
3. Deposits by other banks.....
4. Personal savings deposits payable after notice, in Canada, in Canadian currency.
5. Other deposits.....
6. Advances from Bank of Canada, secured..
7. Acceptances, guarantees and letters of credit
8. Other liabilities.....
9. Capital paid up.....
10. Rest account.....
11. Undivided profits.....

\$

SCHEDULE O

(Section 132 (3))

1. The Home Bank of Canada
2. The Bank of Vancouver
3. La Banque de St. Jean
4. La Banque de St. Hyacinthe
5. Ontario Bank
6. La Banque Ville Marie
7. La Banque du Peuple
8. The Commercial Bank of Manitoba
9. The Central Bank of Canada

SCHEDULE P

(Section 73)

PART I

Name of Bank

1. Bank of Montreal
 - (a) The Montreal Bank
 - (b) The Molsons Bank
 - (c) The Merchants Bank of Canada
 - (d) The Merchants Bank (Quebec charter)
 - (e) The Bank of British North America
 - (f) The Peoples Bank of New Brunswick
 - (g) The People's Bank of Halifax
 - (h) The Exchange Bank of Yarmouth
 - (i) Commercial Bank of Canada
 - (j) The Commercial Bank of the Midland District
 - (k) Bank of the People, Toronto
2. The Bank of Nova Scotia
 - (a) The Bank of Ottawa
 - (b) The Metropolitan Bank
 - (c) Bank of New Brunswick
 - (d) The Summerside Bank
 - (e) Union Bank of Prince Edward Island
3. The Bank of Toronto
4. La Banque Provinciale du Canada
 - (a) La Banque Jacques Cartier
5. The Canadian Bank of Commerce
 - (a) The Standard Bank of Canada
 - (b) The Sterling Bank of Canada
 - (c) Bank of Hamilton
 - (d) The Eastern Townships Bank
 - (e) The Western Bank of Canada
 - (f) The Merchants Bank of Prince Edward Island
 - (g) The Halifax Banking Company
 - (h) The Bank of British Columbia
 - (i) The St. Lawrence Bank
 - (j) Gore Bank

6. The Royal Bank of Canada
 - (a) Union Bank of Canada
 - (b) Union Bank of Lower Canada
 - (c) The Northern Crown Bank
 - (d) The Quebec Bank
 - (e) The Traders Bank of Canada
 - (f) United Empire Bank
 - (g) Union Bank of Halifax
 - (h) The Crown Bank of Canada
 - (i) The Northern Bank
 - (j) Commercial Bank of Windsor
 - (k) Merchants Bank of Halifax
 - (l) The Merchants Bank (Nova Scotia charter)
7. The Dominion Bank
8. Banque Canadienne Nationale
 - (a) La Banque d'Hochelaga
 - (b) La Banque Nationale
9. Imperial Bank of Canada
 - (a) The Weyburn Security Bank
 - (b) Niagara District Bank
10. Barclays Bank (Canada)

PART II

11. The Home Bank of Canada
12. Banque Internationale du Canada
13. The Bank of Vancouver
14. The Farmers Bank of Canada
15. St. Stephens Bank
16. La Banque de St. Jean
17. La Banque de St. Hyacinthe
18. The Sovereign Bank of Canada
19. Bank of Yarmouth
20. La Banque Ville Marie
21. La Banque du Peuple
22. The Commercial Bank of Manitoba

Notes

1. *The names indented under those of existing banks in Part I are names that have been changed or of banks that have been merged and wound up. The names in Part II are those of banks that have been placed in liquidation and wound up.*

2. *Notes issued by the Ontario Bank intended for circulation in Canada and outstanding are redeemable by The Royal Trust Company, Toronto.*

3. *Notes issued by banks other than the Ontario Bank and those enumerated in this Schedule, intended for circulation in Canada and outstanding, are not redeemable.*

SCHEDULE Q

(Section 106)

Return of current operating earnings and expenses and
other information of the _____ Bank
for the financial year ended _____ 19____.

(In thousands of dollars)

Current Operating Earnings

1. Interest and discount on loans.....\$
2. Interest, dividends and trading profits on
securities.....
3. Exchange, commission, service charges and
other current operating earnings.....
4. Total current operating earnings.....\$

Current Operating Expenses

5. Interest on deposits.....
6. Remuneration to employees.....
7. Provision for taxes.....
8. Contributions to pension fund.....
9. Provision for depreciation of bank premises.
10. All other current operating expenses (exclu-
sive of losses or specific provision for losses
or for general contingencies).....
11. Total current operating expenses (exclusive
of losses or specific provision for losses or
for general contingencies).....\$

Supplementary Information

12. Dividends to shareholders.....\$
13. Net amount of current operating earnings
available for losses or specific provision
for losses and for general contingencies..\$
14. Net amount of capital profits, including non-
recurring profits.....\$
15. Average annual amount required for losses or
specific provision for losses on loans,
securities and other assets, less recoveries
during the twenty-five financial years
ending with the year to which this return
relates.....\$

SCHEDULE R

Declaration Required by Section 118 (1)

PART I

I declare that the above return is correct according to the books of the bank.

Dated at _____ this _____ day of _____, 19____.

Chief Accountant.

PART II

We declare that the foregoing return, to the best of our knowledge and belief, is correct and presents fairly the information required by section . . . of the *Bank Act* according to the latest information available to us.

Dated at _____ this _____ day of _____, 19____.

President

General Manager.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 49.

An Act respecting the construction of lines of railway by Canadian National Railway Company from St. Felicien to Chibougamau and from Chibougamau to Beattyville, all in the Province of Quebec, and from Hillspoint on the main line of the Canadian National Railways to Manitowadge Lake, both in the Province of Ontario.

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Governor in Council may provide for the construction and completion in whole or in part by Canadian National Railway Company (in this Act called "the Company") prior to the 31st day of December, 1964, of the lines of railway (in this Act called the "railway lines") described in the Schedule and referred to therein as Branch Line Number 1 and Branch Line Number 2.

Construction and completion.

2. The Company shall adopt the principle of competitive bids or tenders in respect of the construction of the railway lines in so far as the Company decides not to perform such work or any part thereof with its own forces, but the Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms.

Competitive bids or tenders.

3. Estimates of the mileage, the amount to be expended on the construction and the average expenditure per mile of the respective railway lines are set out in the Schedule, and, except with the approval of the Governor in Council, the Company shall not in performing the work of construction and completion exceed such estimates by more than fifteen per cent.

Maximum expenditure.

Issue of
securities.

4. Subject to the provisions of this Act and the approval of the Governor in Council, the Company may, in respect of the cost of the construction and completion of the railway lines, or to provide amounts required for the repayment of loans made under section 5, issue notes, obligations, bonds, debentures or other securities (in this Act called "securities"), not exceeding in the aggregate, exclusive of any securities issued to secure loans made under section 5, the sum necessary to provide the Company with the net amount of thirty-eight million seven hundred and fifty thousand dollars, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve.

Temporary
loans.

5. To enable the work of construction and completion of the railway lines to proceed forthwith, the Minister of Finance, upon application made to him by the Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the Company out of the Consolidated Revenue Fund, not exceeding thirty-eight million seven hundred and fifty thousand dollars, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by securities that the Company is authorized to issue under section 4.

Guarantees.

6. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities that the Company may issue under the provisions of this Act.

Forms and
terms.

(2) The guarantee may be in such form and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of Her Majesty by the Minister of Finance or such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Guarantees
may be
general or
separate.

(3) Any guarantee under this Act may be either a general guarantee covering the total amount of the issue or a separate guarantee endorsed on each obligation.

Temporary
guarantees.

(4) With the approval of the Governor in Council, temporary guarantees may be made to be subsequently replaced by permanent guarantees.

Deposit of
proceeds of
sale, etc., of
securities.

7. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall in the first instance be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance in trust for the Company, in one or more banks designated by him.

(2) The Board of Directors of the Company may authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited pursuant to subsection (1) to the Company for the purpose of meeting expenditures in respect of the construction of the railway lines, and the Minister of Transport may approve the applications, and upon the request of the Minister of Transport, the Minister of Finance may pay the amount or amounts of such applications or part thereof accordingly.

Release of
deposits.

8. The Minister of Transport shall present to Parliament during the first ten days of each session held prior to the date of completion fixed by or under section 1, a statement showing in detail the nature and extent of the work done under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any advances made under section 5 and the amount of such advances reimbursed, and such further information as the Minister of Transport may direct.

Report to
Parliament.

SCHEDULE.

Location	ESTIMATES		
	Mileage	Cost of Construction	Average Cost per mile
BRANCH LINE NUMBER 1—		\$ cts.	\$ cts.
Section "A" from a point at or near St. Felicien in a northwesterly direction to a point at or near the southwesterly end of Lake Cache, both in the Province of Quebec.....	139	17,000,000.00	122,308.16
Section "B" from the said point at or near the southwesterly end of Lake Cache in a southwesterly direction to a point at or near Beattyville, both in the Province of Quebec.	149	17,000,000.00	114,093.96
Section "C" from the said point at or near the southwesterly end of Lake Cache in a northerly direction to a point at or near the townsite of Chibougamau, both in the Province of Quebec.....	6	1,000,000.00	166,666.66
BRANCH LINE NUMBER 2—			
From Hillsport to Manitouwadge Lake, both in the Province of Ontario.....	27	3,750,000.00	138,888.89

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 50.

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System during the calendar year 1954, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as *Canadian National Railways Financing and Guarantee Act, 1954*. Short title.

INTERPRETATION.

2. In this Act

- | | |
|--|-------------------------------------|
| (a) "National Company" means the Canadian National Railway Company; | Definitions.
"National Company." |
| (b) "National System" means the National System as defined in the <i>Canadian National Railways Capital Revision Act</i> and any companies controlled by the National Company through stock ownership; and | "National System." |
| (c) "securities" means the notes, equipment trust certificates, bonds, debentures and other securities described in subsection (1) of section 4. | "Securities." |

3. (1) The National System is authorized,

- | | |
|---|----------------------------------|
| (a) to make capital expenditures in the calendar year 1954 in the following amounts and for the following purposes: | Capital expenditures authorized. |
|---|----------------------------------|

Additions and Betterments (excluding new equipment)—		
Obligations incurred prior to 1954 that become due and payable in 1954.....	\$ 31,473,730	
Obligations incurred in 1954 that become due and payable in 1954.....	\$ 13,226,270	
	<hr/>	\$ 44,700,000
Branch Line Construction—		
Terrace-Kitimat.....		6,200,000
New Equipment—		
Obligations incurred prior to 1954 that become due and payable in 1954.....	107,700,000	
Obligations incurred in 1954 that become due and payable in 1954.....	39,332,195	
	<hr/>	147,032,195
Acquisition of Securities.....		11,236,500
		<hr/>
Total.....		\$209,168,695;

Capital expenditures in 1955.

(b) to make capital expenditures not exceeding in the aggregate forty-five million dollars in the calendar year 1955 prior to the first day of July of that year in discharge of obligations incurred for new equipment and for general additions and betterments prior to that year that have become due and payable before that day; and

Contracts for new equipment, additions and betterments prior to July 1, 1955.

(c) to enter into contracts prior to the first day of July, 1955, for the acquisition of new equipment and for general additions and betterments that will come in course of payment after the calendar year 1954, in amounts not exceeding in the aggregate \$36,555,931.

Power to borrow money.

(2) The National Company, with the approval of the Governor in Council, is authorized

(a) at any time prior to the first day of July, 1955, to borrow money by the issue and sale of securities or by way of loan from the Minister of Finance to provide the amounts required for the purposes of paragraphs (a) and (b) of subsection (1); and

(b) by the issue and sale of securities, to borrow money to repay loans made under section 6.

Statement of amounts borrowed.

(3) A statement of the amounts borrowed by the National Company pursuant to this section shall be included in the annual report of the Company.

(4) An estimate of the amounts required for the purposes of paragraph (b) of subsection (1) shall be included in the annual budget of the National System for the calendar year 1955. Estimate of amounts required.

(5) Any amount payable under a contract entered into pursuant to paragraph (c) of subsection (1) shall be included in the annual budget of the National System for the year in which it will become due and payable. Amount payable included in budget

(6) No amount shall be spent for a purpose mentioned in this section in excess of the amount authorized by this section in respect of that purpose and for the purposes of this subsection any expenditure made under paragraph (c) of subsection (1) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1953*, shall be deemed to be an expenditure under paragraph (a) of subsection (1) of this section. Limitation

4. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the National Company may issue notes, equipment trust certificates, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required for the purposes of section 3. Issue of securities.

(2) Amounts available from reserves for depreciation and debt discount amortization shall be applied towards meeting the expenditures authorized by section 3. Application of amounts available.

(3) The aggregate principal amount of securities issued under this section outstanding at any one time shall not exceed the amount necessary to provide the National Company with the net amount of \$234,623,695 less the amount that the National Company receives in respect of the whole calendar year 1954 from the sale to the Minister of Finance of preferred stock of the National Company, and for the purposes of this subsection any securities issued under paragraph (b) of subsection (2) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1953*, shall be deemed to have been issued under this section. Maximum amount of securities.

5. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities and may approve or decide the form, manner and conditions of such guarantees. Guarantee.

(2) A guarantee under this Act may be signed on behalf of Her Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the relative provisions of the Act have been complied with. Signature of guarantee.

Minister
may make
loans to
National
Company.

6. (1) The Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, make loans to the National Company out of the Consolidated Revenue Fund of amounts required for the purposes of section 3 at such rates of interest and subject to such other terms and conditions as the Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act.

Maximum
aggregate
principal
amount of
loans.

(2) The aggregate principal amount of loans made pursuant to subsection (1) shall not exceed \$234,623,695 less the amount that the National Company receives in respect of the whole calendar year 1954 from the sale to the Minister of Finance of preferred stock of the National Company.

Securities for
repayment.

(3) Securities issued to secure a loan made by the Minister of Finance under this section are deemed not to be included in the amount specified in subsection (3) of section 4 if securities have been issued and sold to repay that loan.

Power to
aid other
companies.

7. The National Company may aid and assist, in any manner not inconsistent with section 3, any others of the companies and railways comprised in the National System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways

(a) apply the proceeds of any issue of securities towards meeting expenditures authorized by section 3 on its own account or on account of any others of the said companies and railways, and

(b) make advances of amounts required for meeting expenditures authorized by section 3 to any others of the said companies and railways upon or without any security, at discretion.

Proceeds
paid to credit
of Minister
of Finance
in trust.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall, in the first instance, be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon application to the Minister of Finance by the National Company approved by the Minister of Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such application.

9. (1) Where, at any time before the first day of July, 1955, the available revenues of the National System are not sufficient to pay all the operating and income charges of the National System as and when due, the Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of the National Company such amounts as may be required to enable the National Company to meet all such charges.

Minister
may place
amounts at
disposal of
Company.

(2) All amounts placed at the disposal of the National Company pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of the National System in so far as such revenues are sufficient and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Amounts
reimbursed to
Minister from
annual
revenues.

10. (1) Where, at any time before the first day of July, 1955, the available revenues of Trans-Canada Air Lines are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance, upon application by Trans-Canada Air Lines approved by the Minister of Trade and Commerce, may, with the approval of the Governor in Council, place at the disposal of Trans-Canada Air Lines such amounts as may be required to enable Trans-Canada Air Lines to meet all such charges.

Trans-
Canada
Air Lines.

(2) All amounts placed at the disposal of Trans-Canada Air Lines pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of Trans-Canada Air Lines in so far as such revenues are sufficient and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Amounts
reimbursed
from annual
revenues.

11. (1) Any equipment trust certificates, bonds or debentures in interim or definitive forms heretofore or hereafter issued by the National Company pursuant to this or any other Act relating to the National Company, may be executed on behalf of the National Company by being signed by the President or a Vice-President and countersigned by the Secretary or an Assistant Secretary, and any coupons attached to such equipment trust certificates, bonds or debentures shall bear the signature of the President, a Vice-President, the Secretary, an Assistant Secretary or the Treasurer.

Signatures of
officers.

(2) The signatures of the officers referred to in subsection (1) may be engraved, lithographed, or otherwise mechanically reproduced facsimiles of such signatures, and such reproduced and other signatures of such officers, made before or after the coming into force of this Act, are for all purposes valid and binding upon the National Company, whether at the date of the issue of the equipment

Facsimile
signatures.

trust certificates, bonds, debentures or coupons the persons whose signatures so appear were or were not the President, a Vice-President, Secretary, an Assistant Secretary or Treasurer of the National Company, as the case may be.

Signature of
guarantee by
Her Majesty.

12. Where the principal and interest of securities are guaranteed by Her Majesty in right of Canada pursuant to this or any other Act relating to the National Company, an endorsement on the face of such securities certifying to such guarantee and bearing the engraved, lithographed or otherwise mechanically reproduced facsimile of the signature of a person designated by the Governor in Council is for all purposes valid and binding upon Her Majesty as to the existence and validity of such guarantee.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 51.

An Act respecting the Criminal Law.

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as the *Criminal Code*.

Short title.

INTERPRETATION.

2. In this Act,

Definitions.

- (1) "Act" includes

"Act."

- (a) an Act of the Parliament of Canada,
- (b) an Act of the legislature of the late province of Canada,
- (c) an Act of the legislature of a province, and
- (d) an Act or ordinance of the legislature of a province, territory or place in force at the time that province, territory or place became a province of Canada;

- (2) "Attorney General" means the Attorney General or Solicitor General of a province in which proceedings to which this Act applies are taken and, with respect to the Northwest Territories and the Yukon Territory, means the Attorney General of Canada;

"Attorney General."

- (3) "bank-note" includes any negotiable instrument

"Bank-note."

- (a) issued by or on behalf of a person carrying on the business of banking in or out of Canada,
- (b) issued under the authority of the Parliament of Canada or under lawful authority of the government of a state other than Canada,

intended to be used as money or as the equivalent of money, immediately upon issue or at some time subsequent thereto, and includes bank bills and bank post bills;

'Canadian Forces.'

- (4) "Canadian Forces" means the naval, army and air forces of Her Majesty raised by Canada and consist of three services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force;

"Cattle."

- (5) "cattle" means neat cattle or an animal of the bovine species by whatever technical or familiar name it is known, and includes a horse, mule, ass, pig, sheep or goat;

"Clerk of the court."

- (6) "clerk of the court" includes a person, by whatever name or title he may be designated, who from time to time performs the duties of a clerk of the court;

"Counsel."

- (7) "counsel" means a barrister or solicitor, in respect of the matters or things that barristers and solicitors, respectively, are authorized by the law of the province to do or perform in relation to legal proceedings;

"Count."

- (8) "count" means a charge in an information or indictment;

"Court of appeal."

- (9) "court of appeal" means
- (a) in the province of Ontario, the Court of Appeal,
 - (b) in the province of Quebec, the Court of Queen's Bench, appeal side,
 - (c) in the province of Nova Scotia, the Supreme Court *in banco*,
 - (d) in the province of New Brunswick, the Court of Appeal, otherwise known as the Appeal Division of the Supreme Court,
 - (e) in the province of British Columbia, the Court of Appeal,
 - (f) in the province of Prince Edward Island, the Supreme Court,
 - (g) in the province of Manitoba, the Court of Appeal,
 - (h) in the province of Saskatchewan, the Court of Appeal,
 - (i) in the province of Alberta, the Appellate Division of the Supreme Court,
 - (j) in the province of Newfoundland, the Supreme Court, constituted by two or more of the judges thereof,
 - (k) in the Yukon Territory, the Court of Appeal for the province of British Columbia, and
 - (l) in the Northwest Territories
 - (i) for those parts of the Territories west of the one hundred and second meridian of west longitude, the court of appeal for the province of Alberta, and

- (ii) for those parts of the Territories east of the one hundred and second meridian of west longitude, the court of appeal for the province of Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, New Brunswick, Prince Edward Island or Newfoundland;
- (10) "court of criminal jurisdiction" means "Court of criminal jurisdiction."
- (a) a court of general or quarter sessions of the peace, when presided over by a superior court judge or a county or district court judge, or in the cities of Montreal and Quebec, by a municipal judge of the city, as the case may be, or a judge of the sessions of the peace,
- (b) a magistrate or judge acting under Part XVI, and
- (c) in the province of New Brunswick, the county court;
- (11) "day" means the period between six o'clock in the forenoon and nine o'clock in the afternoon of the same day; "Day."
- (12) "document of title to goods" includes a bought and sold note, bill of lading, warrant, certificate or order for the delivery or transfer of goods or any other valuable thing, and any other document used in the ordinary course of business as evidence of the possession or control of goods, authorizing or purporting to authorize, by endorsement or by delivery, the person in possession of the document to transfer or receive any goods thereby represented or therein mentioned or referred to; "Document of title to goods."
- (13) "document of title to lands" includes any writing that is or contains evidence of the title, or any part of the title to real property, or to any interest in real property, and any notarial or registrar's copy thereof, and any duplicate instrument, memorial, certificate or document authorized or required by any law in force in any part of Canada with respect to registration of titles, that relates to title to real property or to an interest in real property; "Document of title to lands."
- (14) "dwelling house" means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence and includes a building within the curtilage of a dwelling house that is connected to it by a doorway or by a covered and enclosed passageway; "Dwelling house."
- (15) "every one," "person," "owner," and similar expressions include Her Majesty and public bodies, bodies corporate, societies, companies and inhabitants of counties, parishes, municipalities or other districts in relation to the acts and things that they are capable of doing and owning respectively; "Every one."
"Person."
"Owner."

"Explosive
substance."

- (16) "explosive substance" includes
 (a) anything intended to be used to make an explosive substance, and
 (b) anything, or any part thereof, used or intended to be used, or adapted to cause, or to aid in causing an explosion in or with an explosive substance;

"Feeble-
minded
person."

- (17) "feeble-minded person" means a person in whom there exists and has existed from birth or from an early age, mental defectiveness not amounting to imbecility, but so pronounced that he requires care, supervision and control for his protection or for the protection of others;

"Highway."

- (18) "highway" means a road to which the public has the right of access, and includes bridges over which or tunnels through which a road passes;

"Her
Majesty's
Forces."

- (19) "Her Majesty's Forces" means the naval, army and air forces of Her Majesty wheresoever raised, and includes the Canadian Forces;

"Indict-
ment."

- (20) "indictment" includes
 (a) information, presentment and a count therein,
 (b) a plea, replication or other pleading, and
 (c) any record;

"Justice."

- (21) "justice" means a justice of the peace or a magistrate, and includes two or more justices where two or more justices are, by law, required to act or, by law, act or have jurisdiction;

"Magis-
trate."

- (22) "magistrate" means a police magistrate, a stipendiary magistrate, a district magistrate, a provincial magistrate, a judge of the sessions of the peace, a recorder, or any person having the power and authority of two or more justices of the peace, and includes the lawful deputy of each of them;

"Military."

- (23) "military" shall be construed as relating to all or any of the Canadian Forces;

"Military
law."

- (24) "military law" includes all laws, regulations or orders relating to the Canadian Forces;

"Motor
vehicle."

- (25) "motor vehicle" means a vehicle that is drawn, propelled or driven by any means other than by muscular power, but does not include a vehicle of a railway that operates on rails;

"Municipal-
ity."

- (26) "municipality" includes the corporation of a city, town, village, county, township, parish or other territorial or local division of a province, the inhabitants of which are incorporated or are entitled to hold property collectively for a public purpose;

"Newly-born
child."

- (27) "newly-born child" means a person under the age of one year;

(28) "night" means the period between nine o'clock in the afternoon and six o'clock in the forenoon of the following day;

(29) "offensive weapon" or "weapon" means "Offensive
weapon."
"Weapon."
(a) anything that is designed to be used as a weapon,
and

(b) anything that a person uses or intends to use as a weapon, whether or not it is designed to be used as a weapon,

and, without restricting the generality of the foregoing, includes a firearm, air-gun or air-pistol and ammunition for a firearm, air-gun or air-pistol;

(30) "peace officer" includes "Peace
officer."
(a) a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer and justice of the peace,

(b) a warden, deputy warden, instructor, keeper, gaoler, guard and any other officer or permanent employee of a prison,

(c) a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process, and

(d) an officer or person having the powers of a customs or excise officer when performing any duty in the administration of the *Customs Act* or the *Excise Act*;

(31) "prison" includes a penitentiary, common gaol, public or reformatory prison, lock-up, guard-room or other place in which persons who are charged with or convicted of offences are usually kept in custody; "Prison."

(32) "property" includes "Property."

(a) real and personal property of every description and deeds and instruments relating to or evidencing the title or right to property, or giving a right to recover or receive money or goods,

(b) property originally in the possession or under the control of any person, and any property into or for which it has been converted or exchanged and anything acquired at any time by such conversion or exchange, and

(c) any postal card, postage stamp or other stamp issued or prepared for issue under the authority of the Parliament of Canada or of the legislature of a province for the payment to the Crown or a corporate body of any fee, rate or duty, whether or not it is in the possession of the Crown or of any person;

"Prosecutor."

(33) "prosecutor" means the Attorney General or, where the Attorney General does not intervene, means the person who institutes proceedings to which this Act applies, and includes counsel acting on behalf of either of them;

"Public department."
"Public officer."

(34) "public department" means a department of the Government of Canada or a branch thereof or a board, commission, corporation or other body that is an agent of Her Majesty in right of Canada;

(35) "public officer" includes
(a) an officer of customs or excise,
(b) an officer of the Canadian Forces,
(c) an officer of the Royal Canadian Mounted Police, and
(d) any officer while he is engaged in enforcing the laws of Canada relating to revenue, customs, excise, trade or navigation;

"Public stores."

(36) "public stores" includes any movable property that is under the care, supervision, administration or control of a public department or of any person in the service of a public department;

"Steal."

(37) "steal" means to commit theft;

"Superior court of criminal jurisdiction."

(38) "superior court of criminal jurisdiction" means
(a) in the province of Ontario, the Supreme Court,
(b) in the province of Quebec, the Court of Queen's Bench,
(c) in the provinces of Nova Scotia, New Brunswick, Alberta and Newfoundland respectively, the Supreme Court,
(d) in the province of British Columbia, the Supreme Court or the Court of Appeal,
(e) in the province of Prince Edward Island, the Supreme Court of Judicature,
(f) in the provinces of Manitoba and Saskatchewan respectively, the Court of Appeal or the Court of Queen's Bench,
(g) in the Yukon Territory, the Territorial Court, and
(h) in the Northwest Territories, the Territorial Court;

"Territorial division."

(39) "territorial division" includes any province, county, union of counties, township, city, town, parish or other judicial division or place to which the context applies;

"Testamentary instrument."

(40) "testamentary instrument" includes any will, codicil or other testamentary writing or appointment, as well during the life of the testator whose testamentary disposition it purports to be as after his death, whether it relates to real or personal property, or to both;

- (41) "trustee" means a person who is declared by any Act to be a trustee or is, by the law of the province, a trustee, and without restricting the generality of the foregoing, includes a trustee on an express trust created by deed, will or instrument in writing, or by parol; "Trustee."
- (42) "valuable security" includes "Valuable security."
- (a) an order, exchequer acquittance or other security that entitles or evidences the title of any person
 - (i) to a share or interest in a public stock or fund or in any fund of a body corporate, company or society, or
 - (ii) to a deposit in a savings bank or other bank,
 - (b) a debenture, deed, bond, bill, note, warrant, order or other security for money or for the payment of money,
 - (c) a document of title to lands or goods wheresoever situate,
 - (d) a stamp or writing that secures or evidences title to or an interest in a chattel personal, or that evidences delivery of a chattel personal, and
 - (e) a release, receipt, discharge or other instrument evidencing payment of money;
- (43) "wreck" includes the cargo, stores and tackle of a vessel and all parts of a vessel separated from the vessel, and the property of persons who belong to, are on board or have quitted a vessel that is wrecked, stranded or in distress at any place in Canada; and "Wreck."
- (44) "writing" includes a document of any kind and any mode in which, and any material on which, words or figures, whether at length or abridged, are written, printed or otherwise expressed, or a map or plan is inscribed. "Writing."

PART I.

GENERAL.

3. (1) For the purposes of this Act a person shall be deemed to have been of a given age when the anniversary of his birthday, the number of which corresponds to that age, is fully completed, and until then to have been under that age. Determination of age.

(2) For the purposes of this Act a postal card or stamp referred to in subparagraph (c) of paragraph (32) of section 2 shall be deemed to be a chattel, and to be equal in value to the amount of the postage, rate or duty expressed on its face. Postcard a chattel, value.

Value of
valuable
security.

(3) For the purposes of this Act, the following rules apply for the purpose of determining the value of a valuable security where value is material, namely,

- (a) where the valuable security is one mentioned in subparagraph (a) or (b) of paragraph (42) of section 2, the value is the value of the share, interest, deposit or unpaid money, as the case may be, that is secured by the valuable security;
- (b) where the valuable security is one mentioned in subparagraph (c) or (d) of paragraph (42) of section 2, the value is the value of the lands, goods, chattel personal or interest in the chattel personal, as the case may be; and
- (c) where the valuable security is one mentioned in subparagraph (e) of paragraph (42) of section 2, the value is the amount of money that has been paid.

Possession.

- (4) For the purposes of this Act,
- (a) a person has anything in possession when he has it in his personal possession or knowingly
 - (i) has it in the actual possession or custody of another person, or
 - (ii) has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; and
- (b) where one of two or more persons, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

Meaning of
expressions
taken from
other Acts.

(5) Where an offence that is dealt with in this Act relates to a subject that is dealt with in another Act, the words and expressions used in this Act with respect to that offence have, subject to this Act, the meaning assigned to them in that other Act.

Sexual
intercourse.

(6) For the purposes of this Act, sexual intercourse is complete upon penetration to even the slightest degree, notwithstanding that seed is not emitted.

Canadian
Forces not
affected.

4. Nothing in this Act affects any law relating to the government of the Canadian Forces.

Punishment
only after
conviction.

5. (1) Where an enactment creates an offence and authorizes a punishment to be imposed in respect thereof,

- (a) a person shall be deemed not to be guilty of that offence until he is convicted thereof; and
- (b) a person who is convicted of that offence is not liable to any punishment in respect thereof other than the punishment prescribed by this Act or by the enactment that creates the offence.

Punishment
only as
prescribed.

Offences
outside of
Canada.

(2) Subject to this Act or any other Act of the Parliament of Canada, no person shall be convicted in Canada for an offence committed outside of Canada.

6. The provisions of this Act apply throughout Canada except Application to territories.

- (a) in the Northwest Territories, in so far as they are inconsistent with the *Northwest Territories Act*, and
- (b) in the Yukon Territory, in so far as they are inconsistent with the *Yukon Act*.

7. (1) The criminal law of England that was in force in a province immediately before the coming into force of this Act continues in force in the province except as altered, varied, modified or affected by this Act or any other Act of the Parliament of Canada. Application of criminal law of England.

(2) Every rule and principle of the common law that renders any circumstance a justification or excuse for an act or a defence to a charge continues in force and applies in respect of proceedings for an offence under this Act or any other Act of the Parliament of Canada, except in so far as they are altered by or are inconsistent with this Act or any other Act of the Parliament of Canada. Common law principles continued

8. Notwithstanding anything in this Act or any other Act no person shall be convicted Criminal offences to be under law of Canada.

- (a) of an offence at common law,
 - (b) of an offence under an Act of the Parliament of England, or of Great Britain, or of the United Kingdom of Great Britain and Ireland, or
 - (c) of an offence under an Act or ordinance in force in any province, territory or place before that province, territory or place became a province of Canada,
- but nothing in this section affects the power, jurisdiction or authority that a court, judge, justice or magistrate had, immediately before the coming into force of this Act, to impose punishment for contempt of court.

9. (1) Where a court, judge, justice or magistrate summarily convicts a person for a contempt of court committed in the face of the court and imposes punishment in respect thereof, that person may appeal against the punishment imposed. Appeal.

(2) Where a court or judge summarily convicts a person for a contempt of court not committed in the face of the court and punishment is imposed in respect thereof, that person may appeal Idem.

- (a) from the conviction, or
- (b) against the punishment imposed.

(3) An appeal under this section lies to the court of appeal of the province in which the proceedings take place, and, for the purposes of this section, the provisions of Part XVIII apply, *mutatis mutandis*. Part XVIII applies.

Civil
remedy not
suspended.

10. No civil remedy for an act or omission is suspended or affected by reason that the act or omission is a criminal offence.

Offence
punishable
under more
than one Act.

11. Where an act or omission is an offence under more than one Act of the Parliament of Canada, whether punishable by indictment or on summary conviction, a person who does the act or makes the omission is, unless a contrary intention appears, subject to proceedings under any of those Acts, but is not liable to be punished more than once for the same offence.

Child under
seven.

12. No person shall be convicted of an offence in respect of an act or omission on his part while he was under the age of seven years.

Person
between
seven and
fourteen.

13. No person shall be convicted of an offence in respect of an act or omission on his part while he was seven years of age or more, but under the age of fourteen years, unless he was competent to know the nature and consequences of his conduct and to appreciate that it was wrong.

Consent to
death.

14. No person is entitled to consent to have death inflicted upon him, and such consent does not affect the criminal responsibility of any person by whom death may be inflicted upon the person by whom consent is given.

Obedience to
de facto law.

15. No person shall be convicted of an offence in respect of an act or omission in obedience to the laws for the time being made and enforced by persons in *de facto* possession of the sovereign power in and over the place where the act or omission occurs.

Insanity.

16. (1) No person shall be convicted of an offence in respect of an act or omission on his part while he was insane.

When insane.

(2) For the purposes of this section a person is insane when he is in a state of natural imbecility or has disease of the mind to an extent that renders him incapable of appreciating the nature and quality of an act or omission or of knowing that an act or omission is wrong.

Delusions.

(3) A person who has specific delusions, but is in other respects sane, shall not be acquitted on the ground of insanity unless the delusions caused him to believe in the existence of a state of things that, if it existed, would have justified or excused his act or omission.

Presumption
of sanity.

(4) Every one shall, until the contrary is proved, be presumed to be and to have been sane.

Compulsion
by threats.

17. A person who commits an offence under compulsion by threats of immediate death or grievous bodily harm from a person who is present when the offence is committed

is excused for committing the offence if he believes that the threats will be carried out and if he is not a party to a conspiracy or association whereby he is subject to compulsion, but this section does not apply where the offence that is committed is treason, murder, piracy, attempted murder, assisting in rape, forcible abduction, robbery, causing bodily harm or arson.

18. No presumption arises that a married woman who commits an offence does so under compulsion by reason only that she commits it in the presence of her husband. Compulsion of wife.

19. Ignorance of the law by a person who commits an offence is not an excuse for committing that offence. Ignorance of the law.

20. A warrant or summons that is authorized by this Act may be issued or executed on a Sunday or statutory holiday. Execution of warrant or summons on Sunday or holiday.

PARTIES TO OFFENCES.

21. (1) Every one is a party to an offence who

(a) actually commits it,

(b) does or omits to do anything for the purpose of aiding any person to commit it, or

(c) abets any person in committing it.

Parties to offence.

(2) Where two or more persons form an intention in common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose is a party to that offence. Common intention.

22. (1) Where a person counsels or procures another person to be a party to an offence and that other person is afterwards a party to that offence, the person who counselled or procured is a party to that offence, notwithstanding that the offence was committed in a way different from that which was counselled or procured. Person counselling offence.

(2) Every one who counsels or procures another person to be a party to an offence is a party to every offence that the other commits in consequence of the counselling or procuring that the person who counselled or procured knew or ought to have known was likely to be committed in consequence of the counselling or procuring. Idem.

23. (1) An accessory after the fact to an offence is one who, knowing that a person has been a party to the offence, receives, comforts or assists him for the purpose of enabling him to escape. Accessory after the fact.

Husband or
wife, when
not
accessory.

(2) No married person whose spouse has been a party to an offence is an accessory after the fact to that offence by receiving, comforting or assisting the spouse for the purpose of enabling the spouse to escape.

When
wife not
accessory.

(3) No married woman whose husband has been a party to an offence is an accessory after the fact to that offence by receiving, comforting or assisting in his presence and by his authority any other person who has been a party to that offence for the purpose of enabling her husband or that other person to escape.

Attempts.

24. (1) Every one who, having an intent to commit an offence, does or omits to do anything for the purpose of carrying out his intention is guilty of an attempt to commit the offence whether or not it was possible under the circumstances to commit the offence.

Question of
law.

(2) The question whether an act or omission by a person who has an intent to commit an offence is or is not mere preparation to commit the offence, and too remote to constitute an attempt to commit the offence, is a question of law.

PROTECTION OF PERSONS ADMINISTERING AND ENFORCING THE LAW.

Protection of
persons acting
under
authority.

25. (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

(a) as a private person,

(b) as a peace officer or public officer,

(c) in aid of a peace officer or public officer, or

(d) by virtue of his office,

is, if he acts on reasonable and probable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

Idem.

(2) Where a person is required or authorized by law to execute a process or to carry out a sentence, he or any person who assists him is, if he acts in good faith, justified in executing the process or in carrying out the sentence notwithstanding that the process or sentence is defective or that it was issued or imposed without jurisdiction or in excess of jurisdiction.

When not
protected.

(3) Subject to subsection (4), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless he believes on reasonable and probable grounds that it is necessary for the purpose of preserving himself or any one under his protection from death or grievous bodily harm.

(4) A peace officer who is proceeding lawfully to arrest, with or without warrant, any person for an offence for which that person may be arrested without warrant, and every one lawfully assisting the peace officer, is justified, if the person to be arrested takes flight to avoid arrest, in using as much force as is necessary to prevent the escape by flight, unless the escape can be prevented by reasonable means in a less violent manner. When protected.
Exception

26. Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess. Excessive force.

27. Every one is justified in using as much force as is reasonably necessary Use of force to prevent commission of offence.

(a) to prevent the commission of an offence

(i) for which, if it were committed, the person who committed it might be arrested without warrant, and

(ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or

(b) to prevent anything being done that, on reasonable and probable grounds he believes would, if it were done, be an offence mentioned in paragraph (a).

28. (1) Where a person who is authorized to execute a warrant to arrest believes, in good faith and on reasonable and probable grounds, that the person whom he arrests is the person named in the warrant, he is protected from criminal responsibility in respect thereof to the same extent as if that person were the person named in the warrant. Arrest of wrong person.

(2) Where a person is authorized to execute a warrant to arrest, Person assisting.

(a) every one who, being called upon to assist him, believes that the person in whose arrest he is called upon to assist is the person named in the warrant, and

(b) every keeper of a prison who is required to receive and detain a person who he believes has been arrested under the warrant,

is protected from criminal responsibility in respect thereof to the same extent as if that person were the person named in the warrant.

29. (1) It is the duty of every one who executes a process or warrant to have it with him, where it is feasible to do so, and to produce it when requested to do so. Duty of person arresting.

Notice.

(2) It is the duty of every one who arrests a person, whether with or without warrant, to give notice to that person, where it is feasible to do so, of

(a) the process or warrant under which he makes the arrest, or

(b) the reason for the arrest.

Failure to comply.

(3) Failure to comply with subsection (1) or (2) does not of itself deprive a person who executes a process or warrant, or a person who makes an arrest, or those who assist them, of protection from criminal responsibility.

Preventing breach of peace.

30. Every one who witnesses a breach of the peace is justified in interfering to prevent the continuance or renewal thereof and may detain any person who commits or is about to join in or to renew the breach of the peace, for the purpose of giving him into the custody of a peace officer, if he uses no more force than is reasonably necessary to prevent the continuance or renewal of the breach of the peace or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of the breach of the peace.

Arrest for breach of peace.

31. (1) Every peace officer who witnesses a breach of the peace and every one who lawfully assists him is justified in arresting any person whom he finds committing the breach of the peace or who, on reasonable and probable grounds, he believes is about to join in or renew the breach of the peace.

Giving person in charge.

(2) Every peace officer is justified in receiving into custody any person who is given into his charge as having been a party to a breach of the peace by one who has, or who on reasonable and probable grounds he believes has, witnessed the breach of the peace.

SUPPRESSION OF RIOTS.

Use of force to suppress riot.

32. (1) Every peace officer is justified in using or in ordering the use of as much force as he believes, in good faith and on reasonable and probable grounds,

(a) is necessary to suppress a riot, and

(b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.

Person bound by military law.

(2) Every one who is bound by military law to obey the command of his superior officer is justified in obeying any command given by his superior officer for the suppression of a riot unless the order is manifestly unlawful.

Obeying order of peace officer.

(3) Every one is justified in obeying an order of a peace officer to use force to suppress a riot if

(a) he acts in good faith, and

(b) the order is not manifestly unlawful.

(4) Every one who, in good faith and on reasonable and probable grounds, believes that serious mischief will result from a riot before it is possible to secure the attendance of a peace officer is justified in using as much force as he believes in good faith and on reasonable grounds,

Apprehension of serious mischief.

(a) is necessary to suppress the riot, and

(b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.

(5) For the purposes of this section the question whether an order is manifestly unlawful or not is a question of law.

Question of law.

33. (1) Where the proclamation referred to in section 68 has been made or an offence against paragraph (a) or (b) of section 69 has been committed, it is the duty of a peace officer and of a person who is lawfully required by him to assist, to disperse or to arrest persons who do not comply with the proclamation.

Duty of officers if rioters do not disperse.

(2) No civil or criminal proceedings lie against a peace officer or a person who is lawfully required by a peace officer to assist him in respect of any death or injury that by reason of resistance is caused as a result of the performance by the peace officer or that person of a duty that is imposed by subsection (1).

Protection of officers.

(3) Nothing in this section limits or affects any powers, duties or functions that are conferred or imposed by this Act with respect to the suppression of riots.

Section not restrictive.

DEFENCE OF PERSON.

34. (1) Every one who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is no more than is necessary to enable him to defend himself.

Self defence against unprovoked assault.

(2) Every one who is unlawfully assaulted and who causes death or grievous bodily harm in repelling the assault is justified if

Extent of justification.

(a) he causes it under reasonable apprehension of death or grievous bodily harm from the violence with which the assault was originally made or with which the assailant pursues his purposes, and

(b) he believes, on reasonable and probable grounds, that he cannot otherwise preserve himself from death or grievous bodily harm.

35. Every one who has without justification assaulted another but did not commence the assault with intent to cause death or grievous bodily harm, or has without justification provoked an assault upon himself by another, may justify the use of force subsequent to the assault if

Self defence in case of aggression.

- (a) he uses the force
 - (i) under reasonable apprehension of death or grievous bodily harm from the violence of the person whom he has assaulted or provoked, and
 - (ii) in the belief, on reasonable and probable grounds, that it is necessary in order to preserve himself from death or grievous bodily harm;
- (b) he did not, at any time before the necessity of preserving himself from death or grievous bodily harm arose, endeavour to cause death or grievous bodily harm; and
- (c) he declined further conflict and quitted or retreated from it as far as it was feasible to do so before the necessity of preserving himself from death or grievous bodily harm arose.

Provocation. **36.** Provocation includes, for the purposes of sections 34 and 35, provocation by blows, words or gestures.

Preventing assault. **37.** (1) Every one is justified in using force to defend himself or any one under his protection from assault, if he uses no more force than is necessary to prevent the assault or the repetition of it.

Extent of justification. (2) Nothing in this section shall be deemed to justify the wilful infliction of any hurt or mischief that is excessive, having regard to the nature of the assault that the force used was intended to prevent.

DEFENCE OF PROPERTY.

Defence of movable property. **38.** (1) Every one who is in peaceable possession of movable property, and every one lawfully assisting him, is justified

- (a) in preventing a trespasser from taking it, or
- (b) in taking it from a trespasser who has taken it, if he does not strike or cause bodily harm to the trespasser.

Assault by trespasser. (2) Where a person who is in peaceable possession of movable property lays hands upon it, a trespasser who persists in attempting to keep it or take it from him or from any one lawfully assisting him shall be deemed to commit an assault without justification or provocation.

Defence with claim of right. **39.** (1) Every one who is in peaceable possession of movable property under a claim of right, and every one acting under his authority is protected from criminal responsibility for defending that possession, even against a person entitled by law to possession of it, if he uses no more force than is necessary.

(2) Every one who is in peaceable possession of movable property, but does not claim it as of right or does not act under the authority of a person who claims it as of right, is not justified or protected from criminal responsibility for defending his possession against a person who is entitled by law to possession of it.

Defence
without
claim of
right.

40. Every one who is in peaceable possession of a dwelling house, and every one lawfully assisting him or acting under his authority, is justified in using as much force as is necessary to prevent any person from forcibly breaking into or forcibly entering the dwelling house without lawful authority.

Defence of
dwelling.

41. (1) Every one who is in peaceable possession of a dwelling house or real property and every one lawfully assisting him or acting under his authority is justified in using force to prevent any person from trespassing on the dwelling house or real property, or to remove a trespasser therefrom, if he uses no more force than is necessary.

Defence of
house or
real property.

(2) A trespasser who resists an attempt by a person who is in peaceable possession of a dwelling house or real property or a person lawfully assisting him or acting under his authority to prevent his entry or to remove him, shall be deemed to commit an assault without justification or provocation.

Assault by
trespasser.

42. (1) Every one is justified in peaceably entering a dwelling house or real property by day to take possession of it if he, or some person under whose authority he acts, is lawfully entitled to possession of it.

Assertion of
right to house
or real
property.

(2) Where a person

(a) not having peaceable possession of a dwelling house or real property under a claim of right, or

Assault in
case of
lawful entry.

(b) not acting under the authority of a person who has peaceable possession of a dwelling house or real property under a claim of right,

assaults a person who is lawfully entitled to possession of it and who is entering it peaceably by day to take possession of it, for the purpose of preventing him from entering, the assault shall be deemed to be without justification or provocation.

(3) Where a person

(a) having peaceable possession of a dwelling house or real property under a claim of right, or

Trespasser
provoking
assault.

(b) acting under the authority of a person who has peaceable possession of a dwelling house or real property under a claim of right,

assaults any person who is lawfully entitled to possession of it and who is entering it peaceably by day to take possession of it, for the purpose of preventing him from entering, the assault shall be deemed to be provoked by the person who is entering.

PROTECTION OF PERSONS IN AUTHORITY.

Correction of
child by
force.

43. Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction towards a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

Master of
ship main-
taining
discipline.

44. The master or officer in command of a vessel on a voyage is justified in using as much force as he believes, on reasonable and probable grounds, is necessary for the purpose of maintaining good order and discipline on the vessel.

Surgical
operations.

45. Every one is protected from criminal responsibility for performing a surgical operation upon any person for the benefit of that person if

- (a) the operation is performed with reasonable care and skill, and
- (b) it is reasonable to perform the operation, having regard to the state of health of the person at the time the operation is performed and to all the circumstances of the case.

PART II.

OFFENCES AGAINST PUBLIC ORDER.

TREASON AND OTHER OFFENCES AGAINST THE QUEEN'S AUTHORITY AND PERSON.

Treason

- 46.** (1) Every one commits treason who, in Canada,
- (a) kills or attempts to kill Her Majesty, or does her any bodily harm tending to death or destruction, maims or wounds her, or imprisons or restrains her;
 - (b) levies war against Canada or does any act preparatory thereto;
 - (c) assists an enemy at war with Canada, or any armed forces against whom Canadian forces are engaged in hostilities whether or not a state of war exists between Canada and the country whose forces they are;
 - (d) uses force or violence for the purpose of overthrowing the government of Canada or a province;
 - (e) without lawful authority, communicates or makes available to an agent of a state other than Canada, military or scientific information or any sketch, plan,

model, article, note or document of a military or scientific character that he knows or ought to know may be used by that state for a purpose prejudicial to the safety or defence of Canada;

(f) conspires with any person to do anything mentioned in paragraphs (a) to (d);

(g) forms an intention to do anything mentioned in paragraphs (a) to (d) and manifests that intention by an overt act; or

(h) conspires with any person to do anything mentioned in paragraph (e) or forms an intention to do anything mentioned in paragraph (e) and manifests that intention by an overt act.

(2) Notwithstanding subsection (1), a Canadian citizen or a person who owes allegiance to Her Majesty in right of Canada commits treason if, while in or out of Canada, he does anything mentioned in subsection (1).

Canadian
citizen or
person owing
allegiance.

(3) Where it is treason to conspire with any person, the act of conspiring is an overt act of treason.

Overt act

47. (1) Every one who commits treason is guilty of an indictable offence and is liable

Punishment.

(a) to be sentenced to death if he is guilty of an offence under paragraph (a), (b) or (c) of subsection (1) of section 46;

(b) to be sentenced to death or to imprisonment for life if he is guilty of an offence under paragraph (d), (f) or (g) of subsection (1) of section 46;

(c) to be sentenced to death or to imprisonment for life if he is guilty of an offence under paragraph (e) or (h) of subsection (1) of section 46, committed while a state of war exists between Canada and another country; or

(d) to be sentenced to imprisonment for fourteen years if he is guilty of an offence under paragraph (e) or (h) of subsection (1) of section 46, committed while no state of war exists between Canada and another country.

(2) No person shall be convicted of treason upon the evidence of only one witness, unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Corrobor-
ation.

48. (1) No proceedings for an offence of treason as defined by paragraph (d) of subsection (1) of section 46 shall be commenced more than three years after the time when the offence is alleged to have been committed.

Limitation.

(2) No proceedings shall be commenced under section 47 in respect of an overt act of treason expressed or declared by open and considered speech unless

Information
for
treasonable
words.

- (a) an information setting out the overt act and the words by which it was expressed or declared is laid under oath before a justice within six days after the time when the words are alleged to have been spoken, and
- (b) a warrant for the arrest of the accused is issued within ten days after the time when the information is laid.

PROHIBITED ACTS.

Acts
intended to
alarm Her
Majesty or
break public
peace.

49. Every one who wilfully, in the presence of Her Majesty,

- (a) does an act with intent to alarm Her Majesty or to break the public peace, or
- (b) does an act that is intended or is likely to cause bodily harm to Her Majesty,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Assisting
alien enemy
to leave
Canada.

50. (1) Every one commits an offence who

- (a) incites or wilfully assists a subject of
- (i) a state that is at war with Canada, or
- (ii) a state against whose forces Canadian forces are engaged in hostilities, whether or not a state of war exists between Canada and the state whose forces they are,

to leave Canada without the consent of the Crown, unless the accused establishes that assistance to the state referred to in subparagraph (i) or the forces of the state referred to in subparagraph (ii), as the case may be, was not intended thereby, or

Omitting to
prevent
treason.

- (b) knowing that a person is about to commit treason does not, with all reasonable dispatch, inform a justice of the peace or other peace officer thereof or make other reasonable efforts to prevent that person from committing treason.

Punish ment.

(2) Every one who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Intimidating
Parliament or
legislature.

51. Every one who does an act of violence in order to intimidate the Parliament of Canada or the legislature of a province is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Sabotage.

52. (1) Every one who does a prohibited act for a purpose prejudicial to

- (a) the safety, security or defence of Canada, or
- (b) the safety or security of the naval, army or air forces of any state other than Canada that are lawfully present in Canada,

is guilty of an indictable offence and is liable to imprisonment for ten years.

(2) In this section, "prohibited act" means an act or omission that ^{"Prohibited act."}

(a) impairs the efficiency or impedes the working of any vessel, vehicle, aircraft, machinery, apparatus or other thing, or

(b) causes property, by whomsoever it may be owned, to be lost, damaged or destroyed.

(3) No person does a prohibited act within the meaning of this section by reason only that ^{Saving.}

(a) he stops work as a result of the failure of his employer and himself to agree upon any matter relating to his employment,

(b) he stops work as a result of the failure of his employer and a bargaining agent acting on his behalf to agree upon any matter relating to his employment, or

(c) he stops work as a result of his taking part in a combination of workmen or employees for their own reasonable protection as workmen or employees.

(4) No person does a prohibited act within the meaning of this section by reason only that he attends at or near or approaches a dwelling house or place for the purpose only of obtaining or communicating information. ^{Idem.}

53. Every one who

(a) attempts, for a traitorous or mutinous purpose, to seduce a member of the Canadian Forces from his duty and allegiance to Her Majesty, or

(b) attempts to incite or to induce a member of the Canadian Forces to commit a traitorous or mutinous act,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

^{Inciting to mutiny.}

54. Every one who aids, assists, harbours or conceals a person who he knows is a deserter or absentee without leave from the Canadian Forces is guilty of an offence punishable on summary conviction, but no proceedings shall be instituted under this section without the consent of the Attorney General of Canada. ^{Assisting deserter.}

55. In proceedings for an offence against any provision in section 47 or sections 49 to 53, no evidence is admissible of an overt act unless that overt act is set out in the indictment or unless the evidence is otherwise relevant as tending to prove an overt act that is set out therein. ^{Evidence of overt acts.}

Resisting
execution of
search
warrant.

56. Every one who resists the execution of a warrant that authorizes a building to be broken open for the purpose of searching for a deserter or an absentee without leave from the Canadian Forces is guilty of an offence punishable on summary conviction.

Offences in
relation to
members of
R.C.M.Po-
lice.

57. Every one who wilfully
(a) procures, persuades or counsels a member of the Royal Canadian Mounted Police to desert or absent himself without leave,
(b) aids, assists, harbours or conceals a member of the Royal Canadian Mounted Police who he knows is a deserter or absentee without leave, or
(c) aids or assists a member of the Royal Canadian Mounted Police to desert or absent himself without leave, knowing that the member is about to desert or absent himself without leave,
is guilty of an offence punishable on summary conviction.

PASSPORTS.

False
statement to
procure
passport.

58. (1) Every one who, while in or out of Canada, for the purpose of procuring a passport or a visa thereof or an endorsement thereon for himself or any other person, makes a written or verbal statement that he knows is false or misleading is guilty of an indictable offence and is liable to imprisonment for two years.

"Passport."

(2) In this section, "passport" includes
(a) a document issued by or under the authority of the Secretary of State for External Affairs for the purpose of identifying the holder thereof, and
(b) an emergency certificate authorized by the Secretary of State for External Affairs to be issued in lieu of a passport by a person duly authorized to issue passports outside of Canada.

Fraudulent
use of
certificate of
citizenship.

59. (1) Every one who
(a) uses a certificate of citizenship or a certificate of naturalization for a fraudulent purpose, or
(b) being a person to whom a certificate of citizenship or a certificate of naturalization has been granted, knowingly parts with the possession of that certificate with intent that it should be used for a fraudulent purpose,
is guilty of an indictable offence and is liable to imprisonment for two years.

"Certificate
of citizen-
ship."
"Certificate
of naturali-
zation."

(2) In this section, "certificate of citizenship" and "certificate of naturalization", respectively, mean a certificate of citizenship and a certificate of naturalization as defined by the *Canadian Citizenship Act*.

SEDITION.

60. (1) Seditious words are words that express a "Seditious words."
seditious intention.

(2) A seditious libel is a libel that expresses a seditious "Seditious libel."
intention.

(3) A seditious conspiracy is an agreement between two "Seditious conspiracy."
or more persons to carry out a seditious intention.

(4) Without limiting the generality of the meaning of "Seditious intention."
the expression "seditious intention", every one shall be presumed to have a seditious intention who

(a) teaches or advocates, or

(b) publishes or circulates any writing that advocates,
the use, without the authority of law, of force as a means
of accomplishing a governmental change within Canada.

61. Notwithstanding subsection (4) of section 60, no Exception.
person shall be deemed to have a seditious intention by reason only that he intends, in good faith,

(a) to show that Her Majesty has been misled or mistaken
in her measures,

(b) to point out errors or defects in

(i) the government or constitution of Canada or a
province,

(ii) the Parliament of Canada or the legislature of a
province, or

(iii) the administration of justice in Canada,

(c) to procure, by lawful means, the alteration of any
matter of government in Canada, or

(d) to point out, for the purpose of removal, matters that
produce or tend to produce feelings of hostility and
ill-will between different classes of persons in Canada.

62. Every one who

(a) speaks seditious words,

(b) publishes a seditious libel, or

(c) is a party to a seditious conspiracy,

is guilty of an indictable offence and is liable to imprison-
ment for fourteen years.

Punishment
of seditious
offences.

63. (1) Every one who wilfully

(a) interferes with, impairs or influences the loyalty or
discipline of a member of a force,

(b) publishes, edits, issues, circulates or distributes a
writing that advises, counsels or urges insubordination,
disloyalty, mutiny or refusal of duty by a member
of a force, or

(c) advises, counsels, urges or in any manner causes
insubordination, disloyalty, mutiny or refusal of duty
by a member of a force,

is guilty of an indictable offence and is liable to imprison-
ment for five years.

Offences in
relation to
military
forces.

"Member of
a force."

(2) In this section, "member of a force" means a member of

(a) the Canadian Forces, or

(b) the naval, army or air forces of a state other than Canada that are lawfully present in Canada.

UNLAWFUL ASSEMBLIES AND RIOTS.

"Unlawful
assembly."

64. (1) An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when they are assembled as to cause persons in the neighbourhood of the assembly to fear, on reasonable grounds, that they

(a) will disturb the peace tumultuously, or

(b) will by that assembly needlessly and without reasonable cause provoke other persons to disturb the peace tumultuously.

Lawful
assembly
becoming
unlawful.

(2) Persons who are lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in a manner that would have made the assembly unlawful if they had assembled in that manner for that purpose.

Exception.

(3) Persons are not unlawfully assembled by reason only that they are assembled to protect the dwelling house of any one of them against persons who are threatening to break and enter it for the purpose of committing an indictable offence therein.

"Riot."

65. A riot is an unlawful assembly that has begun to disturb the peace tumultuously.

Punishment
of rioter.

66. Every one who takes part in a riot is guilty of an indictable offence and is liable to imprisonment for two years.

Punishment
of member of
unlawful
assembly.

67. Every one who is a member of an unlawful assembly is guilty of an offence punishable on summary conviction.

Reading
proclamation.

68. A justice, mayor or sheriff or the lawful deputy of a mayor or sheriff who receives notice that, at any place within his jurisdiction, twelve or more persons are unlawfully and riotously assembled together, shall go to that place and, after approaching as near as safely he may do, if he is satisfied that a riot is in progress, shall command silence and thereupon make or cause to be made in a loud voice a proclamation in the following words or to the like effect:

Her Majesty the Queen charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business upon the pain of being guilty of an offence for which, upon conviction, they may be sentenced to imprisonment for life.

GOD SAVE THE QUEEN.

69. Every one is guilty of an indictable offence and is liable to imprisonment for life who

- (a) opposes, hinders or assaults, wilfully and with force, a person who begins to make or is about to begin to make or is making the proclamation referred to in section 68 so that it is not made, Preventing proclamation.
- (b) does not peaceably disperse and depart from a place where the proclamation referred to in section 68 is made within thirty minutes after it is made, or Failure to disperse and depart.
- (c) does not depart from a place within thirty minutes when he has reasonable ground to believe that the proclamation referred to in section 68 would have been made in that place if some person had not opposed, hindered or assaulted, wilfully and with force, a person who would have made it. Failure to depart.

70. A peace officer who receives notice that there is a riot within his jurisdiction and, without reasonable excuse, fails to take all reasonable steps to suppress the riot is guilty of an indictable offence and is liable to imprisonment for two years. Neglect by peace officer.

UNLAWFUL DRILLING.

71. (1) The Governor in Council may from time to time by proclamation make orders Orders by Governor in Council.

(a) to prohibit assemblies, without lawful authority, of persons for the purpose

- (i) of training or drilling themselves,
- (ii) of being trained or drilled to the use of arms, or
- (iii) of practising military exercises; or

(b) to prohibit persons when assembled for any purpose from training or drilling themselves or from being trained or drilled.

(2) An order that is made under subsection (1) may be general or may be made applicable to particular places, districts or assemblies to be specified in the order. General or special order.

(3) Every one who contravenes an order made under this section is guilty of an indictable offence and is liable to imprisonment for five years. Punishment.

DUELS.

Duelling.

72. Every one who

(a) challenges or attempts by any means to provoke another person to fight a duel,

(b) attempts to provoke a person to challenge another person to fight a duel, or

(c) accepts a challenge to fight a duel,

is guilty of an indictable offence and is liable to imprisonment for two years.

FORCIBLE ENTRY AND DETAINER.

"Forcible entry."

73. (1) A person commits forcible entry when he enters real property that is in actual and peaceable possession of another in a manner that is likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, whether or not he is entitled to enter.

"Forcible detainer."

(2) A person commits forcible detainer when, being in actual possession of real property without colour of right, he detains it in a manner that is likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person who is entitled by law to possession of it.

Questions of law.

(3) The questions whether a person is in actual and peaceable possession or is in actual possession without colour of right are questions of law.

Punishment.

74. Every one who commits forcible entry or forcible detainer is guilty of an indictable offence and is liable to imprisonment for two years.

PIRACY.

Piracy by law of nations
Punishment.**75.** (1) Every one commits piracy who does any act that, by the law of nations, is piracy.

(2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and is liable to imprisonment for life, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person he shall be sentenced to death.

Piratical acts.

76. Every one who, while in or out of Canada,

(a) steals a Canadian ship,

(b) steals or without lawful authority throws overboard, damages or destroys anything that is part of the cargo, supplies or fittings in a Canadian ship,

- (c) does or attempts to do a mutinous act on a Canadian ship, or
- (d) counsels or procures a person to do anything mentioned in paragraph (a), (b) or (c),
- is guilty of an indictable offence and is liable to imprisonment for fourteen years.

DANGEROUS SUBSTANCES.

77. Every one who has an explosive substance in his possession or under his care or control is under a legal duty to use reasonable care to prevent bodily harm or death to persons or damage to property by that explosive substance. Duty of care re explosive

78. Every one who, being under a legal duty within the meaning of section 77, fails without lawful excuse to perform that duty, is guilty of an indictable offence and if as a result an explosion of an explosive substance occurs that Breach of duty.

- (a) causes death or is likely to cause death to any person, is liable to imprisonment for life, or
- (b) causes bodily harm or damage to property or is likely to cause bodily harm or damage to property, is liable to imprisonment for fourteen years.

79. (1) Every one commits an offence who

- (a) does anything with intent to cause an explosion of an explosive substance that is likely to cause serious bodily harm or death to persons or is likely to cause serious damage to property, Causing injury with intent.

- (b) with intent to do bodily harm to any person

- (i) causes an explosive substance to explode,
- (ii) sends or delivers to a person or causes a person to take or receive an explosive substance or any other dangerous substance or thing,
- (iii) places or throws anywhere or at or upon a person a corrosive fluid, explosive substance or any other dangerous substance or thing,

- (c) with intent to destroy or damage property without lawful excuse, places or throws an explosive substance anywhere, or

- (d) makes or has in his possession or has under his care or control any explosive substance with intent thereby

- (i) to endanger life or to cause serious damage to property, or
- (ii) to enable another person to endanger life or to cause serious damage to property.

(2) Every one who commits an offence under subsection Punishment.

- (1) is guilty of an indictable offence and is liable

- (a) for an offence under paragraph (a) or (b), to imprisonment for life, or

- (b) for an offence under paragraph (c) or (d), to imprisonment for fourteen years.

Possessing
explosive
without
lawful
excuse.

80. Every one who without lawful excuse, the proof of which lies upon him,

(a) makes or has in his possession or under his care or control an explosive substance that he does not make or does not have in his possession or under his care or control for a lawful purpose, or

(b) has in his possession a bomb, grenade or other explosive weapon,

is guilty of an indictable offence and is liable to imprisonment for five years.

PRIZE FIGHTS.

Engaging in
prize fight.

81. (1) Every one who

(a) engages as a principal in a prize fight,

(b) advises, encourages or promotes a prize fight, or

(c) is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter,

is guilty of an offence punishable on summary conviction.

"Prize
fight."

(2) In this section, "prize fight" means an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for them, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than five ounces each in weight, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight.

OFFENSIVE WEAPONS.

Possession of
weapon.

82. Every one who carries or has in his custody or possession an offensive weapon for a purpose dangerous to the public peace or for the purpose of committing an offence is guilty of an indictable offence and is liable to imprisonment for five years.

Carrying
weapon
while in
possession of
anything
liable to
seizure.

83. Every one who, while carrying an offensive weapon, has custody or possession of anything that he knows is liable to seizure under any law relating to customs, excise, trade or navigation is guilty of an indictable offence and is liable to imprisonment for ten years.

Carrying
concealed
weapon

84. Every one who carries concealed an offensive weapon other than a pistol or revolver is guilty of an offence punishable on summary conviction.

Short-barrel
shot-gun or
rifle.

85. (1) Every one who carries or has in his custody or possession a sawed-off shot-gun or sawed-off rifle, with a barrel less than twenty inches in length, is guilty of an indictable offence and is liable to imprisonment for five years.

(2) Every one who, without lawful excuse, the proof of which lies upon him, has in his possession any device or contrivance designed or intended to muffle or stop the sound or report of a firearm is guilty of an offence punishable on summary conviction. Silencers.

86. Every one who, without lawful excuse, points at another person a firearm, air-gun or air-pistol, whether loaded or unloaded, is guilty of an offence punishable on summary conviction. Pointing firearm.

87. Notwithstanding anything in this Act, every one who has an offensive weapon in his possession while he is attending or is on his way to attend a public meeting is guilty of an offence punishable on summary conviction. While attending public meeting

88. (1) Every one who sells, barter, gives, lends, transfers or delivers a firearm, air-gun or air-pistol or ammunition therefor to a person under the age of fourteen years who does not have a valid permit in Form 45 is guilty of an offence punishable on summary conviction. Delivering firearms to minors.

(2) Notwithstanding section 96, a peace officer who finds a person under the age of fourteen years in possession of a firearm, air-gun, air-pistol or ammunition therefor without a valid permit in Form 45 relating to that firearm, air-gun, air-pistol or ammunition may seize it, and upon seizure it is forfeited to Her Majesty and may be disposed of as the Attorney General may direct. Seizure

(3) Everyone who without lawful excuse, the proof of which lies upon him, has in his possession or sells, barter, gives, lends, transfers or delivers a spring-knife or switch-knife is guilty of an offence punishable on summary conviction. Spring-knives.

89. Every one who, not being a local registrar of firearms or a person authorized to issue permits, purports to issue a firearms registration certificate or permit, as the case may be, is guilty of an offence punishable on summary conviction. Unauthorized issue of certificates or permits.

90. (1) Every one commits an offence who has an unregistered firearm in his dwelling house or place of business. Unregistered firearm in dwelling house.

(2) Every one commits an offence who has a firearm elsewhere than in his dwelling house or place of business, unless he has a valid permit in Form 42 or Form 44 relating to that firearm. Firearm elsewhere than in dwelling house without permit.

(3) Every one who is an occupant of a motor vehicle in which he knows there is a firearm commits an offence unless some occupant of the motor vehicle has a valid permit in Form 42 or Form 44 relating to that firearm, but no person shall be convicted of an offence under this subsection where he establishes that he did not know that Firearm in motor vehicle.

no occupant of the motor vehicle had a valid permit relating to that firearm and that he took reasonable steps to discover whether any occupant of the motor vehicle had such a permit.

Buying and
selling
firearms.

(4) Every one commits an offence who conducts, operates, or engages in the business of buying or selling firearms at retail unless he has a permit in Form 43.

Transfer of
firearm.

(5) Every one who sells, barter or makes a gift of a firearm commits an offence if he delivers it before

(a) it is registered in the name of the purchaser or the person to whom it is bartered or given, or

(b) the purchaser or the person to whom it is bartered or given has a valid permit, as contained in Form 44, relating to that firearm.

Accepting
firearm.

(6) Every one who buys or accepts in barter or as a gift a firearm commits an offence if he receives delivery of it before

(a) it is registered in his name, or

(b) he has a valid permit, as contained in Form 44, relating to that firearm.

Finding
firearm.

(7) Every one commits an offence who, upon finding a firearm that he has reasonable grounds to believe has been lost or abandoned, does not forthwith

(a) deliver it to a peace officer, or

(b) report to a peace officer that he has found it.

Tampering
with serial
number,
certificate or
permit.

(8) Every one commits an offence who, without lawful authority, the proof of which lies upon him,

(a) alters, defaces or removes a serial number on a firearm, or

(b) alters, defaces or falsifies a firearms registration certificate or permit.

Punishment

(9) Every one who commits an offence under this section is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Retail
transactions
in
firearms.

91. (1) Every one who conducts, operates or engages in the business of buying and selling firearms at retail

(a) shall keep a record of every transaction that he enters into with respect to firearms, and

(b) shall produce that record for inspection at the request of a peace officer.

Punishment.

(2) Every one who fails to comply with subsection (1) is guilty of an offence punishable on summary conviction.

Onus of
proof.

92. (1) Where, in proceedings under section 88 or 90, any question arises with respect to permits or registration certificates, the onus lies upon the accused to prove that he has the permit or registration certificate.

(2) A permit or registration certificate is *prima facie* evidence of its contents and of the signature and official character of the person by whom it purports to be signed. Evidence.

93. (1) The Commissioner shall cause a registry to be maintained in which shall be kept a record of every firearms registration certificate that is issued under the authority of this Act. Registry.

(2) An application for registration of a firearm shall be made on Form 44 to a local registrar of firearms. Application for registration.

(3) A local registrar of firearms who receives an application for registration of a firearm shall, after signing the application, Duties of local registrar

- (a) send one copy thereof to the Commissioner,
- (b) deliver one copy thereof to the applicant, and
- (c) retain one copy thereof.

(4) The Commissioner shall, upon receipt of an application for registration of a firearm signed by the applicant and a local registrar of firearms, cause a firearms registration certificate to be issued in the name of the applicant in respect of the firearm described in the application. Duty of Commissioner.

(5) Firearms registration certificates shall be in a form to be prescribed by the Commissioner. Form of certificate.

(6) A local registrar of firearms shall refuse to accept an application for registration of a firearm that does not bear a serial number sufficient, in his opinion, to distinguish it from other firearms. Refusal of application.

(7) Subsection (6) does not apply to firearms that, in the opinion of a local registrar of firearms, are useful or valuable only as antiques. Exception.

(8) A firearms registration certificate is *prima facie* evidence that the firearm to which it relates is registered. Evidence of registration.

94. (1) A permit in Form 42 may be issued by Who may issue permits in Form 42.

- (a) the Commissioner or a person authorized in writing by him, or
- (b) the Attorney General of a province or a person authorized in writing by him.

(2) A permit in Form 43 may be issued by a local registrar of firearms. In Form 43.

(3) A permit to convey, as contained in Form 44, may be issued by a local registrar of firearms to authorize a person who buys, accepts in barter, accepts as a gift or finds a firearm that is not registered in his name, to convey the firearm from the place where he takes delivery of it or from his place of residence or business to the office of the local registrar of firearms and thence to his place of residence or business. In Form 44.

Permit in
Form 42—
when
issued.

(4) A permit in Form 42 shall be issued only where the person who issues it is satisfied that the applicant for the permit requires the firearm to which it relates

(a) to protect his life or property,

(b) for use in connection with his profession or occupation, or

(c) for use in target practice in connection with a shooting club approved by the Attorney General of the province in which the shooting club is situated.

Validity of
permit in
Form 42 or 45.

(5) A permit in Form 42 or Form 45 is valid until

(a) the expiration of the period for which it is expressed to be issued,

(b) it is revoked, or

(c) the expiration of the calendar year in which it is issued,

whichever is the earliest.

(6) A permit in Form 43 is valid until it is revoked.

(7) A permit as contained in Form 44 is valid only during the period for which it is expressed to be valid.

(8) Permits shall be supplied in blank by the Commissioner to persons who are authorized to issue them.

Validity of
permit in
Form 43.
Validity of
permit in
Form 44.
Permits
supplied by
Commis-
sioner.
Revocation.

95. Permits may be revoked by any person who is authorized to issue them.

Search and
seizure.

96. (1) Whenever a peace officer believes on reasonable grounds that an offence is being committed or has been committed against any of the provisions of sections 82 to 91 he may search, without warrant, a person or vehicle, or premises other than a dwelling house, and may seize anything by means of or in relation to which he reasonably believes the offence is being committed or has been committed.

Detention.

(2) Anything seized pursuant to subsection (1) may be detained for a period of two months following the time of seizure unless during that period proceedings are instituted, in which case it may be further detained until the proceedings are concluded.

Forfeiture.

(3) Where a person is convicted of an offence against any of the provisions of sections 82 to 91, anything by means of or in relation to which the offence was committed, upon such conviction, in addition to any punishment imposed, is forfeited to Her Majesty and may be disposed of as the Attorney General may direct.

Persons who
do not
commit
offences.
Wholesalers.

97. (1) A person does not commit an offence under subsection (1) or (5) of section 90 by doing anything mentioned in those subsections in the ordinary course of conducting, operating or engaging in the business of buying and selling firearms at wholesale.

(2) A person does not commit an offence under subsection (1) of section 90 by doing anything mentioned in that subsection in the ordinary course of conducting, operating or engaging in

- (a) the business of repairing firearms, or Repairers.
- (b) the business of buying and selling firearms or revolvers at retail, if he has a permit in Form 43. Retailers.
- (3) Notwithstanding anything in sections 82 to 90,
- (a) a member of the Canadian Forces or of the naval, army or air forces of a state other than Canada that are lawfully present in Canada, Members of Forces
- (b) a peace officer or public officer, or Peace officers.
- (c) an officer under the *Immigration Act*, the *Customs Act* or the *Excise Act*, public officers.
Other officers.

is not guilty of an offence under any of the provisions of those sections by reason only that he has in his possession an offensive weapon for the purpose of his duties or employment.

98. For the purposes of sections 89 to 97, Definitions.

- (a) "Commissioner" means the Commissioner of the Royal Canadian Mounted Police, "Commissioner."
- (b) "firearm" means a pistol, revolver, or a firearm that is capable of firing bullets in rapid succession during one pressure of the trigger; and "Firearm."
- (c) "local registrar of firearms" means "Local registrar of firearms."
 - (i) the Commissioner or a person appointed in writing by him, or
 - (ii) the Attorney General of a province or a person appointed in writing by him.

PART III

OFFENCES AGAINST THE ADMINISTRATION OF LAW AND JUSTICE.

INTERPRETATION.

99. In this Part,

- (a) "evidence" means an assertion of fact, opinion, belief or knowledge whether material or not and whether admissible or not; "Evidence."
- (b) "government" means "Government."
 - (i) the Government of Canada,
 - (ii) the government of a province, or
 - (iii) Her Majesty in right of Canada or in right of a province;

"Judicial proceeding."

- (c) "judicial proceeding" means a proceeding
- (i) in or under the authority of a court of justice or before a grand jury,
 - (ii) before the Senate or House of Commons of Canada or a committee of the Senate or House of Commons, or before a legislative council, legislative assembly or house of assembly or a committee thereof that is authorized by law to administer an oath,
 - (iii) before a court, judge, justice, magistrate or coroner,
 - (iv) before an arbitrator or umpire, or a person or body of persons authorized by law to make an inquiry and take evidence therein under oath, or
 - (v) before a tribunal by which a legal right or legal liability may be established,
- whether or not the proceeding is invalid for want of jurisdiction or for any other reason;

"Office."

- (d) "office" includes
- (i) an office or appointment under the government,
 - (ii) a civil or military commission, and
 - (iii) a position or employment in a public department;

"Official."

- (e) "official" means a person who
- (i) holds an office, or
 - (ii) is appointed to discharge a public duty; and

"Witness."

- (f) "witness" means a person who gives evidence orally under oath or by affidavit in a judicial proceeding, whether or not he is competent to be a witness, and includes a child of tender years who gives evidence but does not give it under oath, because, in the opinion of the person presiding, the child does not understand the nature of an oath.

CORRUPTION AND DISOBEDIENCE.

Bribery of
judicial
officers, etc.

100. (1) Every one who

- (a) being the holder of a judicial office, or being a member of the Parliament of Canada or of a legislature, corruptly
- (i) accepts or obtains,
 - (ii) agrees to accept, or
 - (iii) attempts to obtain,
- any money, valuable consideration, office, place or employment for himself or another person in respect of anything done or omitted or to be done or omitted by him in his official capacity; or
- (b) gives or offers corruptly to a person who holds a judicial office, or is a member of the Parliament of Canada or of a legislature, any money, valuable consideration, office, place or employment in respect of

anything done or omitted or to be done or omitted by him in his official capacity for himself or another person, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

(2) No proceedings against a person who holds a judicial office shall be instituted under this section without the consent in writing of the Attorney General of Canada. Consent of Attorney General.

101. Every one who

(a) being a justice, police commissioner, peace officer, public officer, or officer of a juvenile court, or being employed in the administration of criminal law, corruptly Bribery of officers.

(i) accepts or obtains,

(ii) agrees to accept, or

(iii) attempts to obtain,

for himself or any other person any money, valuable consideration, office, place or employment with intent

(iv) to interfere with the administration of justice,

(v) to procure or facilitate the commission of an offence, or

(vi) to protect from detection or punishment a person who has committed or who intends to commit an offence; or

(b) gives or offers, corruptly, to a person mentioned in Idem.

paragraph (a) any money, valuable consideration, office, place or employment with intent that the person

should do anything mentioned in subparagraph (iv),

(v) or (vi) of paragraph (a),

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

102. (1) Every one commits an offence who

(a) directly or indirectly Frauds upon the Government.

(i) gives, offers, or agrees to give or offer to an official or to any member of his family, or to any one for the benefit of an official, or Offer or gift to influence official.

(ii) being an official, demands, accepts or offers or agrees to accept from any person for himself or another person,

a loan, reward, advantage or benefit of any kind as consideration for co-operation, assistance, exercise of influence or an act or omission in connection with

(iii) the transaction of business with or any matter of business relating to the government, or

(iv) a claim against Her Majesty or any benefit that Her Majesty is authorized or is entitled to bestow,

whether or not, in fact, the official is able to co-operate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

Giving
reward or
commission
to official
without
consent

(b) having dealings of any kind with the government, pays a commission or reward to or confers an advantage or benefit of any kind upon an employee or official of the government with which he deals, or to any member of his family, or to any one for the benefit of the employee or official, with respect to those dealings, unless he has the consent in writing of the head of the branch of government with which he deals, the proof of which lies upon him;

Acceptance
of com-
mission or
gift without
consent.

(c) being an official or employee of the government, demands, accepts or offers or agrees to accept from a person who has dealings with the government a commission, reward, advantage or benefit of any kind directly or indirectly, by himself or through a member of his family or through any one for his benefit, unless he has the consent in writing of the head of the branch of government that employs him or of which he is an official, the proof of which lies upon him;

Compensation
for procuring
settlement
of claim, etc.

(d) having or pretending to have influence with the government or with a minister of the government or an official, demands, accepts or offers or agrees to accept for himself or another person a reward, advantage or benefit of any kind as consideration for co-operation, assistance, exercise of influence or an act or omission in connection with

(i) anything mentioned in subparagraph (iii) or (iv) of paragraph (a), or

(ii) the appointment of any person, including himself, to an office;

Offer of
reward for
appointment.

(e) offers, gives or agrees to offer or give to a minister of the government or an official a reward, advantage or benefit of any kind as consideration for co-operation, assistance, exercise of influence or an act or omission in connection with

(i) anything mentioned in subparagraph (iii) or (iv) of paragraph (a), or

(ii) the appointment of any person, including himself, to an office; or

Reward for
withdrawal
of tender.

(f) having made a tender to obtain a contract with the government

(i) gives, offers or agrees to give to another person who has made a tender, or to a member of his family, or to another person for the benefit of that person, a reward, advantage or benefit of any kind as consideration for the withdrawal of the tender of that person, or

(ii) demands, accepts or agrees to accept from another person who has made a tender a reward, advantage or benefit of any kind as consideration for the withdrawal of his tender.

(2) Every one commits an offence who, in order to obtain or retain a contract with the government, or as a term of any such contract, whether express or implied, directly or indirectly subscribes, gives, or agrees to subscribe or give, to any person any valuable consideration

Contractor
subscribing
to election
fund.

(a) for the purpose of promoting the election of a candidate or a class or party of candidates to the Parliament of Canada or a legislature, or

(b) with intent to influence or affect in any way the result of an election conducted for the purpose of electing persons to serve in the Parliament of Canada or a legislature.

(3) Every one who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for five years.

Punishment.

103. Every official who, in connection with the duties of his office, commits fraud or a breach of trust is guilty of an indictable offence and is liable to imprisonment for five years, whether or not the fraud or breach of trust would be an offence if it were committed in relation to a private person.

Breach of
trust by
public officer.

104. (1) Every one who

(a) gives, offers or agrees to give or offer to a municipal official, or

Municipal
corruption.

(b) being a municipal official, demands, accepts or offers or agrees to accept from any person, a loan, reward, advantage or benefit of any kind as consideration for the official

(c) to abstain from voting at a meeting of the municipal council or a committee thereof,

(d) to vote in favour of or against a measure, motion or resolution,

(e) to aid in procuring or preventing the adoption of a measure, motion or resolution, or

(f) to perform or fail to perform an official act,

is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Every one who

(a) by suppression of the truth, in the case of a person who is under a duty to disclose the truth,

Influencing
municipal
official.

(b) by threats or deceit, or

(c) by any unlawful means,

influences or attempts to influence a municipal official to do anything mentioned in paragraphs (c) to (f) of subsection (1) is guilty of an indictable offence and is liable to imprisonment for two years.

(3) In this section "municipal official" means a member of a municipal council or a person who holds an office under a municipal government.

"Municipal
official."

105. Every one who

Selling office.

(a) purports to sell or agrees to sell an appointment to or resignation from an office, or a consent to any such appointment or resignation, or receives, or agrees to receive a reward or profit from the purported sale thereof, or

Purchasing office.

(b) purports to purchase or gives a reward or profit for the purported purchase of any such appointment, resignation or consent, or agrees or promises to do so, is guilty of an indictable offence and is liable to imprisonment for five years.

106. Every one who

Reward for influencing appointment.

(a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a reward, advantage or benefit of any kind as consideration for co-operation, assistance or exercise of influence to secure the appointment of any person to an office;

Reward for negotiating appointment.

(b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from an office, in expectation of a direct or indirect reward, advantage or benefit; or

Establishment for dealing in offices.

(c) keeps without lawful authority, the proof of which lies upon him, a place for transacting or negotiating any business relating to

(i) the filling of vacancies in offices,

(ii) the sale or purchase of offices, or

(iii) appointments to or resignations from offices,

is guilty of an indictable offence and is liable to imprisonment for five years.

Disobeying a statute.

107. Every one who, without lawful excuse, contravenes an Act of the Parliament of Canada by wilfully doing anything that it forbids or by wilfully omitting to do anything that it requires to be done is, unless some penalty or punishment is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years.

Disobeying order of court.

108. Every one who, without lawful excuse, disobeys a lawful order made by a court of justice or by a person or body of persons authorized by any Act to make or give the order, other than an order for the payment of money is, unless some penalty or punishment or other mode of proceeding is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years.

Misconduct of officers executing process.

109. Every peace officer or coroner who, being entrusted with the execution of a process, wilfully

(a) misconducts himself in the execution of the process, or

(b) makes a false return to the process,

is guilty of an indictable offence and is liable to imprisonment for two years.

110. Every one who

(a) resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer, Obstructing public or peace officer.

(b) omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, Neglect to aid public or peace officer.

(c) resists or wilfully obstructs any person in the lawful execution of a process against lands or goods or in making a lawful distress or seizure, Resisting execution of process.

is guilty of an indictable offence and is liable to imprisonment for two years.

111. Every one who

(a) falsely represents himself to be a peace officer or a public officer, or Personating peace officer.

(b) not being a peace officer or public officer uses a badge or article of uniform or equipment in a manner that is likely to cause persons to believe that he is a peace officer or a public officer, as the case may be,

is guilty of an offence punishable on summary conviction.

MISLEADING JUSTICE.

112. Every one commits perjury who, being a witness in a judicial proceeding, with intent to mislead gives false evidence, knowing that the evidence is false. Perjury.

113. (1) Every one who commits perjury is guilty of an indictable offence and is liable to imprisonment for fourteen years, but if he commits perjury to procure the conviction of a person for an offence punishable by death, he is liable to imprisonment for life. Punishment for perjury.

(2) Where a person is charged with an offence under section 112 or 116, a certificate specifying with reasonable particularity the proceeding in which that person is alleged to have given the evidence in respect of which the offence is charged, is *prima facie* evidence that it was given in a judicial proceeding, without proof of the signature or official character of the person by whom the certificate purports to be signed if it purports to be signed by the clerk of the court or other official having the custody of the record of that proceeding or by his lawful deputy. Proof of former trial upon trial of indictment for perjury.

114. Every one who, not being a witness in a judicial proceeding but being permitted, authorised or required by law to make a statement by affidavit, by solemn declaration or orally under oath, makes in such a statement, before a person who is authorised by law to permit it to be made False statements in extra-judicial proceedings.

before him, an assertion with respect to a matter of fact, opinion, belief or knowledge, knowing that the assertion is false, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Corroborat
tion

115. No person shall be convicted of an offence under section 113 or 114 upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Witness
giving
contradictory
evidence.

116. (1) Every one who, being a witness in a judicial proceeding, gives evidence with respect to any matter of fact or knowledge and who subsequently, in a judicial proceeding, gives evidence that is contrary to his previous evidence is guilty of an indictable offence and is liable to imprisonment for fourteen years, whether or not the prior or the later evidence or either of them is true, but no person shall be convicted under this section unless the court, judge or magistrate, as the case may be, is satisfied beyond a reasonable doubt that the accused, in giving evidence in either of the judicial proceedings, intended to mislead.

“Evidence.”

(2) Notwithstanding paragraph (a) of section 99, “evidence”, for the purposes of this section, does not include evidence that is not material.

Consent
required.

(3) No proceedings shall be instituted under this section without the consent of the Attorney General.

Fabricating
evidence.

117. Every one who, with intent to mislead, fabricates anything with intent that it shall be used as evidence in a judicial proceeding, existing or proposed, by any means other than perjury or incitement to perjury is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Signing
pretended
affidavit.

118. Every one who

(a) signs a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared before him when the writing was not so sworn or declared or when he knows that he has no authority to administer the oath or declaration,

Using
pretended
affidavit.

(b) uses or offers for use any writing purporting to be an affidavit or statutory declaration that he knows was not sworn or declared, as the case may be, by the affiant or declarant or before a person authorized in that behalf, or

Writing
purporting
to be
affidavit

(c) signs as affiant or declarant a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared by him, as the case may be, when the writing was not so sworn or declared, is guilty of an indictable offence and is liable to imprisonment for two years.

119. (1) Every one who wilfully attempts in any manner to obstruct, pervert or defeat the course of justice is guilty of an indictable offence and is liable to imprisonment for two years. Obstructing justice.

(2) Without restricting the generality of subsection (1), every one shall be deemed wilfully to attempt to obstruct, pervert or defeat the course of justice who in a judicial proceeding, existing or proposed,

(a) dissuades or attempts to dissuade a person by threats, bribes or other corrupt means from giving evidence, Corrupting witness.

(b) influences or attempts to influence by threats, bribes or other corrupt means, a person in his conduct as a juror, Corrupting juror.

(c) accepts a bribe or other corrupt consideration to abstain from giving evidence, or to do or to refrain from doing anything as a juror, Accepting bribe.

(d) before or after being released from custody under recognizance, indemnifies or agrees to indemnify in any way, in whole or in part, his bondsman, or Indemnifying bondsman.

(e) being a bondsman, accepts or agrees to accept indemnity, in whole or in part, from a person who is released or is to be released from custody under a recognizance. Bondsman accepting indemnity.

120. Every one who, with intent to mislead, causes a peace officer to enter upon an investigation by Public mischief.

(a) making a false statement that accuses some other person of having committed an offence,

(b) doing anything that is intended to cause some other person to be suspected of having committed an offence that he has not committed, or to divert suspicion from himself, or

(c) reporting that an offence has been committed when it has not been committed,

is guilty of an indictable offence and is liable to imprisonment for five years.

121. Every one who asks or obtains or agrees to receive or obtain any valuable consideration for himself or any other person by agreeing to compound or conceal an indictable offence is guilty of an indictable offence and is liable to imprisonment for two years. Compounding indictable offence.

122. Every one who corruptly accepts any valuable consideration, directly or indirectly, under pretence or upon account of helping any person to recover anything obtained by the commission of an indictable offence is guilty of an indictable offence and is liable to imprisonment for five years. Corruptly taking reward for recovery of goods.

Advertising
reward and
immunity.

123. Every one who

(a) publicly advertises a reward for the return of anything that has been stolen or lost, and in the advertisement uses words to indicate that no questions will be asked if it is returned,

Idem.

(b) uses words in a public advertisement to indicate that a reward will be given or paid for anything that has been stolen or lost, without interference with or inquiry about the person who produces it,

Advertising
return of
money
advanced on
stolen
property.

(c) promises or offers in a public advertisement to return to a person who has advanced money by way of loan on, or has bought, anything that has been stolen or lost, the money so advanced or paid, or any other sum of money for the return of that thing, or

Printing
advertise-
ment.

(d) prints or publishes any advertisement referred to in paragraph (a), (b) or (c),

is guilty of an offence punishable on summary conviction.

ESCAPES AND RESCUES.

Prison-
breach.

124. Every one who

(a) by force or violence breaks a prison with intent to set at liberty himself or any person confined therein, or

(b) with intent to escape forcibly breaks out of, or makes any breach in, a cell or other place within a prison in which he is confined,

is guilty of an indictable offence and is liable to imprisonment for five years.

125. Every one who

Escape.

(a) escapes from lawful custody,

Being
unlawfully
at large.

(b) is, before the expiration of a term of imprisonment to which he was sentenced, at large within Canada without lawful excuse, the proof of which lies upon him, or

Skiping bail.

(c) having been charged with a criminal offence and being at large on recognizance fails, without lawful excuse, the proof of which lies upon him, to appear in accordance with the recognizance at the proper time and place for his preliminary inquiry, to stand his trial, to receive sentence or for the hearing of an appeal, as the case may be,

is guilty of an indictable offence and is liable to imprisonment for two years.

126. Every one who

Permitting
escape.

(a) permits a person whom he has in lawful custody to escape, by failing to perform a legal duty,

Conveying
things into
prison.

(b) conveys or causes to be conveyed into a prison, anything, with intent to facilitate the escape of a person imprisoned therein, or

(c) directs or procures, under colour of pretended authority, the discharge of a prisoner who is not entitled to be discharged,
 is guilty of an indictable offence and is liable to imprisonment for two years.

Discharge
under
pretended
authority.

127. Every one who

- (a) rescues any person from lawful custody or assists any person in escaping or attempting to escape from lawful custody,
 (b) being a peace officer, wilfully permits a person in his lawful custody to escape, or
 (c) being an officer of or an employee in a prison, wilfully permits a person to escape from lawful custody therein,
 is guilty of an indictable offence and is liable to imprisonment for five years.

Rescue.

Peace officer
permitting
escape.

Prison officer
permitting
escape.

128. Every one who knowingly and wilfully

- (a) assists a prisoner of war in Canada to escape from a place where he is detained, or
 (b) assists a prisoner of war, who is permitted to be at large on parole in Canada, to escape from the place where he is at large on parole,
 is guilty of an indictable offence and is liable to imprisonment for five years.

Assisting
prisoner of
war to escape.

129. (1) A person who escapes while undergoing imprisonment is, after undergoing any punishment to which he is sentenced for that escape, required to serve the portion of his term that he had not served at the time of his escape.

Full term to
be served
when retaken.

(2) For the purposes of subsection (1), the portion of a person's term that he had not served at the time of his escape shall be served

Service of
remanet.

(a) in the prison from which the escape was made, if imprisonment for the escape is not awarded, or

(b) in the prison to which he is sentenced for the escape, if imprisonment for the escape is awarded.

(3) Where a person is sentenced to imprisonment for an escape he may, for the purposes of this section, be sentenced to imprisonment in a penitentiary or in the prison from which the escape was made, whether the imprisonment is for less than two years or for two years or more.

Imprisonment
for
escape.

(4) For the purposes of this section, "escape" means "Escape." breaking prison, escaping from lawful custody or, without lawful excuse, being at large within Canada before the expiration of a term of imprisonment to which a person has been sentenced.

PART IV.

SEXUAL OFFENCES, PUBLIC MORALS AND
DISORDERLY CONDUCT.

INTERPRETATION.

130. In this Part,

"Guardian."

(a) "guardian" includes any person who has in law or in fact the custody or control of another person;

"Public place."

(b) "public place" includes any place to which the public have access as of right or by invitation, express or implied; and

"Theatre."

(c) "theatre" includes any place that is open to the public where entertainments are given, whether or not any charge is made for admission.

SPECIAL PROVISIONS.

Corroborati-
on.**131.** (1) No accused shall be convicted of an offence under section 140, 142, 143, 144, 145, 146 or 155 upon the evidence of only one witness unless the evidence of the witness is corroborated in a material particular by evidence that implicates the accused.Marriage a
defence.

(2) No accused shall be convicted of an offence under section 144, paragraph (b) of section 145 or section 146 where he proves that, subsequent to the time of the alleged offence, he married the person in respect of whom he is alleged to have committed the offence.

Burden of
proof.

(3) In proceedings for an offence under subsection (2) of section 138 or section 143, 144 or paragraph (b) of section 145 the burden of proving that the female person in respect of whom the offence is alleged to have been committed was not of previously chaste character is upon the accused.

Previous
sexual inter-
course with
accused.

(4) In proceedings for an offence under subsection (2) of section 138 or under section 143 or paragraph (b) of section 145, evidence that the accused had, prior to the time of the alleged offence, sexual intercourse with the female person in respect of whom the offence is alleged to have been committed shall be deemed not to be evidence that she was not of previously chaste character.

Consent of
child under
fourteen
no defence.**132.** Where an accused is charged with an offence under section 138, 141 or 148 in respect of a person under the age of fourteen years, the fact that the person consented to the commission of the offence is not a defence to the charge.

Limitation.

133. No proceedings for an offence under section 143, 144, paragraph (b) of section 145, or under section 155, 156 or 157 shall be commenced more than one year after the time when the offence is alleged to have been committed.

134. Notwithstanding anything in this Act or any other Act of the Parliament of Canada, where an accused is charged with an offence under section 136, 137, subsection (1) or (2) of section 138 or subsection (1) of section 141, the judge shall, if the only evidence that implicates the accused is the evidence, given under oath, of the female person in respect of whom the offence is alleged to have been committed and that evidence is not corroborated in a material particular by evidence that implicates the accused, instruct the jury that it is not safe to find the accused guilty in the absence of such corroboration, but that they are entitled to find the accused guilty if they are satisfied beyond a reasonable doubt that her evidence is true. Instruction to jury.

SEXUAL OFFENCES.

135. A male person commits rape when he has sexual intercourse with a female person who is not his wife, Rape.
 (a) without her consent, or
 (b) with her consent if the consent
 (i) is extorted by threats or fear of bodily harm,
 (ii) is obtained by personating her husband, or
 (iii) is obtained by false and fraudulent representations as to the nature and quality of the act.

136. Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life and to be whipped. Punishment for rape.

137. Every one who attempts to commit rape is guilty of an indictable offence and is liable to imprisonment for ten years and to be whipped. Attempt to commit rape.

138. (1) Every male person who has sexual intercourse with a female person who Sexual intercourse with female under fourteen.
 (a) is not his wife, and
 (b) is under the age of fourteen years,
 whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life and to be whipped.

(2) Every male person who has sexual intercourse with a female person who Sexual intercourse with female between fourteen and sixteen.
 (a) is not his wife,
 (b) is of previously chaste character, and
 (c) is fourteen years of age or more and is under the age of sixteen years,
 whether or not he believes that she is sixteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for five years.

Acquittal
where
accused not
chiefly to
blame.

(3) Where an accused is charged with an offence under subsection (2), the court may find the accused not guilty if it is of opinion that the evidence does not show that, as between the accused and the female person, the accused is wholly or chiefly to blame.

Age.

139. No male person shall be deemed to commit an offence under section 136, 137, 138 or 142 while he is under the age of fourteen years.

Sexual
intercourse
with feeble-
minded, etc.

140. Every male person who, under circumstances that do not amount to rape, has sexual intercourse with a female person

(a) who is not his wife, and

(b) who is and who he knows or has good reason to believe is feeble-minded, insane, or is an idiot or imbecile,

is guilty of an indictable offence and is liable to imprisonment for five years.

Indecent
assault on
female.

141. (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years and to be whipped.

Consent by
false repre-
sentations

(2) An accused who is charged with an offence under subsection (1) may be convicted if the evidence establishes that the accused did anything to the female person with her consent that, but for her consent, would have been an indecent assault, if her consent was obtained by false and fraudulent representations as to the nature and quality of the act.

Incest.

142. (1) Every one commits incest who, knowing that another person is by blood relationship his or her parent, child, brother, sister, grandparent or grandchild, as the case may be, has sexual intercourse with that person.

Punishment

(2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years, and in the case of a male person is liable, in addition, to be whipped.

Compulsion
of female.

(3) Where a female person is convicted of an offence under this section and the court is satisfied that she committed the offence by reason only that she was under restraint, duress or fear of the person with whom she had the sexual intercourse, the court is not required to impose any punishment upon her.

"Brother."
"Sister."

(4) In this section, "brother" and "sister", respectively, include half-brother and half-sister.

Seduction of
female
between
sixteen and
eighteen.

143. Every male person who, being eighteen years of age or more, seduces a female person of previously chaste character who is sixteen years or more but less than eighteen years of age is guilty of an indictable offence and is liable to imprisonment for two years.

144. Every male person, being twenty-one years of age or more, who, under promise of marriage, seduces an unmarried female person of previously chaste character who is less than twenty-one years of age is guilty of an indictable offence and is liable to imprisonment for two years. Seduction under promise of marriage.

145. (1) Every male person who

(a) has illicit sexual intercourse with his step-daughter, foster daughter or female ward; or Sexual intercourse with step-daughter, etc.

(b) has illicit sexual intercourse with a female person of previously chaste character and under the age of twenty-one years who Sexual intercourse with female employee.

(i) is in his employment,

(ii) is in a common, but not necessarily similar, employment with him and is, in respect of her employment or work, under or in any way subject to his control or direction, or

(iii) receives her wages or salary directly or indirectly from him,

is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Where an accused is charged with an offence under paragraph (b) of subsection (1), the court may find the accused not guilty if it is of opinion that the evidence does not show that, as between the accused and the female person, the accused is wholly or chiefly to blame. Acquittal where accused not chiefly to blame.

146. Every male person who, being the owner or master of, or employed on board a vessel, engaged in the carriage of passengers for hire, seduces, or by threats or by the exercise of his authority, has illicit sexual intercourse on board the vessel with a female passenger is guilty of an indictable offence and is liable to imprisonment for two years. Seduction of female passengers on vessels.

147. Every one who commits buggery or bestiality is guilty of an indictable offence and is liable to imprisonment for fourteen years. Buggery or bestiality.

148. Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years and to be whipped. Indecent assault on male.

149. Every one who commits an act of gross indecency with another person is guilty of an indictable offence and is liable to imprisonment for five years. Acts of gross indecency.

OFFENCES TENDING TO CORRUPT MORALS.

- 150.** (1) Every one commits an offence who
- Obscene matter. (a) makes, prints, publishes, distributes, circulates, or has in his possession for the purpose of publication, distribution or circulation any obscene written matter, picture, model, phonograph record or other thing whatsoever, or
- Crime comic. (b) makes, prints, publishes, distributes, sells or has in his possession for the purpose of publication, distribution or circulation, a crime comic.
- (2) Every one commits an offence who knowingly, without lawful justification or excuse,
- Selling obscene matter. (a) sells, exposes to public view or has in his possession for such a purpose any obscene written matter, picture, model, phonograph record or other thing whatsoever,
- Indecent show. (b) publicly exhibits a disgusting object or an indecent show,
- Offering to sell contraceptives. (c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of preventing conception or causing abortion or miscarriage, or
- Offering to sell other drugs. (d) advertises or publishes an advertisement of any means, instructions, medicine, drug or article intended or represented as a method for restoring sexual virility or curing venereal diseases or diseases of the generative organs.
- Defence of public good. (3) No person shall be convicted of an offence under this section if he establishes that the public good was served by the acts that are alleged to constitute the offence and that the acts alleged did not extend beyond what served the public good.
- Question of law and question of fact. (4) For the purposes of this section it is a question of law whether an act served the public good and whether there is evidence that the act alleged went beyond what served the public good, but it is a question of fact whether the acts did or did not extend beyond what served the public good.
- Motives irrelevant. (5) For the purposes of this section the motives of an accused are irrelevant.
- Ignorance of nature no defence. (6) Where an accused is charged with an offence under subsection (1) the fact that the accused was ignorant of the nature or presence of the matter, picture, model, phonograph record, crime comic or other thing by means of or in relation to which the offence was committed is not a defence to the charge.
- "Crime comic." (7) In this section, "crime comic" means a magazine, periodical or book that exclusively or substantially comprises matter depicting pictorially

- (a) the commission of crimes, real or fictitious, or
- (b) events connected with the commission of crimes, real or fictitious, whether occurring before or after the commission of the crime.

151. (1) A proprietor, editor, master printer or publisher commits an offence who prints or publishes Restriction on publication of reports of judicial proceedings.

(a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details, being matter or details that, if published, are calculated to injure public morals;

(b) in relation to any judicial proceedings for dissolution of marriage, nullity of marriage, judicial separation or restitution of conjugal rights, any particulars other than

(i) the names, addresses and occupations of the parties and witnesses,

(ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given,

(iii) submissions on a point of law arising in the course of the proceedings, and the decision of the court in connection therewith, and

(iv) the summing up of the judge, the finding of the jury and the judgment of the court and the observations that are made by the judge in giving judgment.

(2) Nothing in paragraph (b) of subsection (1) affects the operation of paragraph (a) of that subsection. Saving.

(3) No proceedings for an offence under this section shall be commenced without the consent of the Attorney General. Consent of Attorney General.

(4) This section does not apply to a person who

(a) prints or publishes any matter for use in connection with any judicial proceedings or communicates it to persons who are concerned in the proceedings;

(b) prints or publishes a notice or report pursuant to directions of a court; or

(c) prints or publishes any matter

(i) in a volume or part of a *bona fide* series of law reports that does not form part of any other publication and consists solely of reports of proceedings in courts of law, or

(ii) in a publication of a technical character that is *bona fide* intended for circulation among members of the legal or medical professions.

152. (1) Every one commits an offence who, being the lessee, manager, agent or person in charge of a theatre, presents or gives or allows to be presented or given therein an immoral, indecent or obscene performance, entertainment or representation. Immoral theatrical performance.

Person
taking
part.

(2) Every one commits an offence who takes part or appears as an actor, performer, or assistant in any capacity, in an immoral, indecent or obscene performance, entertainment or representation in a theatre.

Mailing
obscene
matter.

153. Every one commits an offence who makes use of the mails for the purpose of transmitting or delivering anything that is obscene, indecent, immoral or scurrilous, but this section does not apply to a person who makes use of the mails for the purpose of transmitting or delivering anything mentioned in subsection (4) of section 151.

Punishment.

154. Every one who commits an offence under section 150, 151, 152 or 153 is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

Parent or
guardian
procuring
defilement.

155. Every one who, being the parent or guardian of a female person,

- (a) procures her to have illicit sexual intercourse with a person other than the procurer, or
- (b) orders, is party to, permits or knowingly receives the avails of, the defilement, seduction or prostitution of the female person,

is guilty of an indictable offence and is liable to

- (c) imprisonment for fourteen years, if the female person is under the age of fourteen years, or
- (d) imprisonment for five years, if the female person is fourteen years of age or more.

Householder
permitting
defilement.

156. Every one who

- (a) being the owner, occupier or manager of premises, or
- (b) having control of premises or assisting in the management or control of premises,

knowingly permits a female person under the age of eighteen years to resort to or to be in or upon the premises for the purpose of having illicit sexual intercourse with a particular male person or with male persons generally is guilty of an indictable offence and is liable to imprisonment for five years.

Corrupting
children.

157. (1) Every one who, in the home of a child, participates in adultery or sexual immorality or indulges in habitual drunkenness or any other form of vice, and thereby endangers the morals of the child or renders the home an unfit place for the child to be in, is guilty of an indictable offence and is liable to imprisonment for two years.

Limitation.

(2) No proceedings for an offence under this section shall be commenced more than one year after the time when the offence was committed.

(3) For the purposes of this section, "child" means a "Child." person who is or appears to be under the age of eighteen years.

(4) No proceedings shall be commenced under subsection (1) without the consent of the Attorney General, unless they are instituted by or at the instance of a recognized society for the protection of children or by an officer of a juvenile court.

Who may
institute
prosecutions.

DISORDERLY CONDUCT.

158. Every one who wilfully does an indecent act (a) in a public place in the presence of one or more persons, or

Indecent
acts.

(b) in any place, with intent thereby to insult or offend any person,
is guilty of an offence punishable on summary conviction.

159. (1) Every one who, without lawful excuse, (a) is nude in a public place, or

Nudity.

(b) is nude and exposed to public view while on private property, whether or not the property is his own,
is guilty of an offence punishable on summary conviction.

(2) For the purposes of this section a person is nude who "Nude."
is so clad as to offend against public decency or order.

(3) No proceedings shall be commenced under this section without the consent of the Attorney General.

Consent of
Attorney
General.

160. Every one who

(a) not being in a dwelling house causes a disturbance in or near a public place,

Causing
disturbance.

(i) by fighting, screaming, shouting, swearing, singing or using insulting or obscene language,

(ii) by being drunk, or

(iii) by impeding or molesting other persons;

(b) openly exposes or exhibits an indecent exhibition in a public place;

Indecent
exhibition.

(c) loiters in a public place and in any way obstructs persons who are there; or

Loitering in
public place.

(d) disturbs the peace and quiet of the occupants of a dwelling house by discharging firearms or by other disorderly conduct in a public place,

Disturbing
occupants of
dwelling.

is guilty of an offence punishable on summary conviction.

161. (1) Every one who

(a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent a clergyman or minister from celebrating divine service or performing any other function in connection with his calling;

Obstructing
officiating
clergyman.

(b) knowing that a clergyman or minister is about to perform, is on his way to perform, or is returning from the performance of any of the duties or functions mentioned in paragraph (a)

Violence to
or arrest of
officiating
clergyman.

(i) assaults or offers any violence to him, or

(ii) arrests him upon a civil process, or under the pretence of executing a civil process,
is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Every one who wilfully disturbs or interrupts an assemblage of persons met for religious worship or for a moral, social or benevolent purpose is guilty of an offence punishable on summary conviction.

Disturbing
religious
worship or
certain
meetings.

Idem.

(3) Every one who, at or near a meeting referred to in subsection (2), wilfully does anything that disturbs the order or solemnity of the meeting is guilty of an offence punishable on summary conviction.

162. Every one who, without lawful excuse, the proof of which lies upon him, loiters or prowls at night upon the property of another person near a dwelling house situated on that property is guilty of an offence punishable on summary conviction.

Trespassing
at night.

163. Every one other than a peace officer engaged in the discharge of his duty who has in his possession in a public place or who deposits, throws or injects or causes to be deposited, thrown or injected in, into or near any place,

Offensive
volatile
substance.

(a) an offensive volatile substance that is likely to alarm, inconvenience, discommode or cause discomfort to any person or to cause damage to property, or

(b) a stink or stench bomb or device from which any substance mentioned in paragraph (a) is or is capable of being liberated,

is guilty of an offence punishable on summary conviction.

No apparent
means of
support.

164. (1) Every one commits vagrancy who

(a) not having any apparent means of support is found wandering abroad or trespassing and does not, when required, justify his presence in the place where he is found;

Begging.

(b) begs from door to door or in a public place;

Prostitute or
night walker.

(c) being a common prostitute or night walker is found in a public place and does not, when required, give a good account of herself;

Living by
gaming or
crime.

(d) supports himself in whole or in part by gaming or crime and has no lawful profession or calling by which to maintain himself; or

(e) having at any time been convicted of an offence under a provision mentioned in paragraph (a) or (b) of subsection (1) of section 661, is found loitering or wandering in or near a school ground, playground, public park or bathing area. Sexual offenders loitering near schools, etc.

(2) Every one who commits vagrancy is guilty of an offence punishable on summary conviction. Punishment.

(3) No person who is aged or infirm shall be convicted of an offence under paragraph (a) of subsection (1). Aged or infirm persons.

NUISANCES.

165. (1) Every one who commits a common nuisance and thereby Common nuisance

(a) endangers the lives, safety or health of the public, or

(b) causes physical injury to any person,
is guilty of an indictable offence and is liable to imprisonment for two years.

(2) For the purposes of this section, every one commits a common nuisance who does an unlawful act or fails to discharge a legal duty and thereby Definition.

(a) endangers the lives, safety, health, property or comfort of the public, or

(b) obstructs the public in the exercise or enjoyment of any right that is common to all the subjects of Her Majesty in Canada.

166. Every one who wilfully publishes a statement, tale or news that he knows is false and that causes or is likely to cause injury or mischief to a public interest is guilty of an indictable offence and is liable to imprisonment for two years. Spreading false news.

167. Every one who

(a) neglects, without lawful excuse, to perform any duty that is imposed upon him by law or that he undertakes with reference to the burial of a dead human body or human remains, or

(b) improperly or indecently interferes with or offers any indignity to a dead human body or human remains, whether buried or not, Not burying dead.
Indignity to dead body.

is guilty of an indictable offence and is liable to imprisonment for five years.

PART V.

DISORDERLY HOUSES, GAMING AND BETTING

INTERPRETATION.

168. (1) In this Part,

(a) "bet" means a bet that is placed on any contingency or event that is to take place in or out of Canada, and without restricting the generality of the foregoing, "Bet."

includes a bet that is placed on any contingency relating to a horse-race, fight, match or sporting event that is to take place in or out of Canada;

"Common bawdy-house."

- (b) "common bawdy-house" means a place that is
- (i) kept or occupied, or
 - (ii) resorted to by one or more persons
- for the purpose of prostitution or the practice of acts of indecency;

"Common betting house."

- (c) "common betting house" means a place that is opened, kept or used for the purpose of
- (i) enabling, encouraging or assisting persons who resort thereto to bet between themselves or with the keeper, or
 - (ii) enabling any person to receive, record, register, transmit or pay bets or to announce the results of betting;

"Common gaming house."

- (d) "common gaming house" means a place that is
- (i) kept for gain to which persons resort for the purpose of playing games; or
 - (ii) kept or used for the purpose of playing games
 - (A) in which a bank is kept by one or more but not all of the players,
 - (B) in which all or any portion of the bets on or proceeds from a game is paid, directly or indirectly, to the keeper of the place,
 - (C) in which, directly or indirectly, a fee is charged to or paid by the players for the privilege of playing or participating in a game or using gaming equipment, or
 - (D) in which the chances of winning are not equally favourable to all persons who play the game, including the person, if any, who conducts the game;

"Disorderly house."

- (e) "disorderly house" means a common bawdy-house, a common betting house or a common gaming house;

"Game."

- (f) "game" means a game of chance or mixed chance and skill;

"Gaming equipment."

- (g) "gaming equipment" means anything that is or may be used for the purpose of playing games or for betting;

"Keeper."

- (h) "keeper" includes a person who
- (i) is an owner or occupier of a place,
 - (ii) assists or acts on behalf of an owner or occupier of a place,
 - (iii) appears to be, or to assist or act on behalf of an owner or occupier of a place,
 - (iv) has the care or management of a place, or
 - (v) uses a place permanently or temporarily, with or without the consent of the owner or occupier; and

(i) "place" includes any place, whether or not "Place."

- (i) it is covered or enclosed,
- (ii) it is used permanently or temporarily, or
- (iii) any person has an exclusive right of user with respect to it.

(2) A place is not a common gaming house within the meaning of subparagraph (i) or clause (B) or (C) of subparagraph (ii) of paragraph (d) of subsection (1) Exception.

(a) while it is occupied and used by an incorporated *bona fide* social club or branch thereof if

- (i) the whole or any portion of the bets on or proceeds from games played therein is not directly or indirectly paid to the keeper thereof, and
- (ii) no fee in excess of ten cents an hour or fifty cents a day is charged to persons for the right or privilege of participating in the games played therein; or

(b) while occasionally it is used by charitable or religious organizations for the purpose of playing games for which a direct fee is charged to persons for the right or privilege of playing, if the proceeds from the games are to be used for a charitable or religious object. Charitable organizations.

(3) The onus of proving that, by virtue of subsection (2), a place is not a common gaming house is on the accused. Onus.

(4) A place may be a common gaming house notwithstanding that

- (a) it is used for the purpose of playing part of a game and another part of the game is played elsewhere; or
- (b) the stake that is played for is in some other place. Effect when game partly played on premises.

PRESUMPTIONS.

169. In proceedings under this Part,

- (a) evidence that a peace officer who was authorized to enter a place was wilfully prevented from entering or was wilfully obstructed or delayed in entering is *prima facie* evidence that the place is a disorderly house; From obstruction.
- (b) evidence that a place was found to be equipped with gaming equipment or any device for concealing, removing or destroying gaming equipment is *prima facie* evidence that the place is a common gaming house or a common betting house, as the case may be; From device for concealment.
- (c) evidence that gaming equipment was found in a place entered under a warrant issued pursuant to this Part, or on or about the person of anyone found therein, is *prima facie* evidence that the place is a common gaming house and that the persons found therein were playing games, whether or not any person acting under the warrant observed any persons playing games therein; and From gaming equipment.

From
previous
conviction.

(d) evidence that a person was convicted of keeping a disorderly house is, for the purpose of proceedings against any one who is alleged to have been an inmate or to have been found in that house at the time the person committed the offence of which he was convicted, *prima facie* evidence that the house was, at that time, a disorderly house.

Conclusive
presumption
from slot
machine.

170. (1) For the purpose of proceedings under this Part, a place that is found to be equipped with a slot machine shall be conclusively presumed to be a common gaming house.

"Slot
machine."

(2) In this section "slot machine" means any automatic machine or slot machine

(a) that is used or intended to be used for any purpose other than vending merchandise or services; or

(b) that is used or intended to be used for the purpose of vending merchandise or services if

(i) the result of one of any number of operations of the machine is a matter of chance or uncertainty to the operator,

(ii) as a result of a given number of successive operations by the operator the machine produces different results, or

(iii) on any operation of the machine it discharges or emits a slug or token.

SEARCH.

Warrant to
search.

171. (1) A justice who receives from a peace officer a report in writing that he has reasonable ground to believe and does believe that an offence under section 176, 177, 179 or 182 is being committed at any place within the jurisdiction of the justice, may issue a warrant under his hand authorizing a peace officer to enter and search the place by day or night and seize anything found therein that may be evidence that an offence under section 176, 177, 179 or 182, as the case may be, is being committed at that place, and to take into custody all persons who are found in or at that place and requiring those persons and things to be brought before him or before another justice having jurisdiction, to be dealt with according to law.

Search
without
warrant,
seizure and
arrest.

(2) A peace officer may, whether or not he is acting under a warrant issued pursuant to this section, take into custody any person whom he finds keeping a common gaming house and any person whom he finds therein, and may seize anything that may be evidence that such an offence is being committed and shall bring those persons and things before a justice having jurisdiction, to be dealt with according to law.

(3) Except where otherwise expressly provided by law, a court, judge, justice or magistrate before whom anything that is seized under this section is brought may

Disposal of property seized.

(a) declare that any money or security for money so seized is forfeited, and

(b) direct that anything so seized, other than money or security for money, shall be destroyed, if no person shows sufficient cause why it should not be forfeited or destroyed, as the case may be.

(4) No declaration or direction shall be made pursuant to subsection (3) in respect of anything seized under this section until

When declaration or direction may be made.

(a) it is no longer required as evidence in any proceedings that are instituted pursuant to the seizure, or

(b) the expiration of thirty days from the time of seizure where it is not required as evidence in any proceedings.

(5) Where any security for money is forfeited under this section, the Attorney General may, for the purpose of converting the security into money, deal with the security in all respects as if he were the person entitled to the proceeds thereof.

Converting security into money.

(6) Nothing in this section or in section 431 authorizes the seizure, forfeiture or destruction of telephone, telegraph or other communication facilities or equipment that may be evidence of or that may have been used in the commission of an offence under section 176, 177, 179 or 182 and that is owned by a person engaged in providing telephone, telegraph or other communication service to the public or forming part of the telephone, telegraph or other communication service or system of such a person.

Telephones exempt from seizure.

172. A justice who is satisfied by information upon oath that there is reasonable ground to believe that a female person has been enticed to or is concealed in a common bawdy-house may issue a warrant under his hand authorizing a peace officer or other person named therein to enter and search the place, by day or night, and requiring her and the keeper of the place to be brought before him or another justice having jurisdiction to be kept in custody or released as he considers proper.

Search for woman in bawdy-house.

173. A peace officer may, for the purpose of executing a warrant issued under section 171 or 172, use as much force as is necessary to effect entry into the place in respect of which the warrant is issued.

Use of force.

174. (1) A justice before whom a person is taken pursuant to a warrant issued under section 171 or 172 may require that person to be examined on oath and to give evidence with respect to

Examination of persons arrested in disorderly houses.

Person
refusing to be
examined.

(a) the purpose for which the place referred to in the warrant is or has been used, kept or occupied, and
(b) any matter relating to the execution of the warrant.

(2) A person to whom this section applies who

(a) refuses to be sworn, or

(b) refuses to answer a question,

may be dealt with in the same manner as a witness appearing before a superior court of criminal jurisdiction pursuant to a subpoena.

Use of
evidence.

(3) No evidence that is given by a person under this section may be used or received in evidence in any criminal proceedings against him, except proceedings for perjury in giving that evidence.

OBSTRUCTION.

Obstructing
execution of
warrant.

175. Every one who, for the purpose of preventing, obstructing or delaying a peace officer who is executing a warrant issued under this Part in respect of a disorderly house or who is otherwise authorized to enter a disorderly house, does anything, or being the keeper of the disorderly house, permits anything to be done to give effect to that purpose is guilty of an offence punishable on summary conviction.

GAMING AND BETTING.

Keeping
gaming or
betting house.

176. (1) Every one who keeps a common gaming house or common betting house is guilty of an indictable offence and is liable to imprisonment for two years.

Person found
in gaming or
betting house.

(2) Every one who

(a) is found, without lawful excuse, in a common gaming house or common betting house, or

Owner
permitting
use.

(b) as owner, landlord, lessor, tenant, occupier or agent, knowingly permits a place to be let or used for the purposes of a common gaming house or common betting house,

is guilty of an offence punishable on summary conviction.

Betting,
pool selling,
book-making,
etc.

177. (1) Every one commits an offence who

(a) uses or knowingly allows a place under his control to be used for the purpose of recording or registering bets or selling a pool;

(b) imports, makes, buys, sells, rents, leases, hires or keeps, exhibits, employs or knowingly allows to be kept, exhibited or employed in any place under his control a device or apparatus for the purpose of recording or registering bets or selling a pool, or any machine or device for gambling or betting;

(c) has under his control any money or other property relating to a transaction that is an offence under this section;

(d) records or registers bets or sells a pool;

(e) engages in pool-selling or book-making, or in the business or occupation of betting, or makes any agreement for the purchase or sale of betting or gaming privileges, or for the purchase or sale of information that is intended to assist in book-making, pool-selling or betting;

(f) prints, provides or offers to print or provide information intended for use in connection with book-making, pool-selling or betting upon any horse-race, fight, game or sport whether or not it takes place in or out of Canada or has or has not taken place;

(g) imports or brings into Canada any information or writing that is intended or is likely to promote or be of use in gambling, book-making, pool-selling or betting upon a horse-race, fight, game or sport, and where this paragraph applies it is immaterial

(i) whether the information is published before, during or after the race, fight, game or sport, or

(ii) whether the race, fight, game or sport takes place in Canada or elsewhere,

but this paragraph does not apply to a newspaper, magazine or other periodical published in good faith primarily for a purpose other than the publication of such information;

(h) advertises, prints, publishes, exhibits, posts up, or otherwise gives notice of any offer, invitation or inducement to bet on, to guess or to foretell the result of a contest, or a result of or contingency relating to any contest;

(i) wilfully and knowingly sends, transmits, delivers or receives any message by telegraph, telephone, mail or express that conveys any information relating to book-making, pool-selling, betting or wagering, or that is intended to assist in book-making, pool-selling, betting or wagering; or

(j) aids or assists in any manner in anything that is an offence under this section.

(2) Every one who commits an offence under this section Punishment.
is guilty of an indictable offence and is liable to imprisonment for two years.

178. (1) Sections 176 and 177 do not apply to

(a) any person or association by reason of his or their Exemption.
becoming the custodian or depository of any money, property or valuable thing staked, to be paid to

(i) the winner of a lawful race, sport, game or exercise,

(ii) the owner of a horse engaged in a lawful race, or

(iii) the winner of any bets between not more than ten individuals;

- (b) a private bet between individuals not engaged in any way in the business of betting;
- (c) bets made or records of bets made through the agency of a pari-mutuel system only as hereinafter provided, upon the race course of an association
 - (i) incorporated before May 19, 1947, if
 - (A) the association has conducted a race meeting with pari-mutuel betting under the supervision of an officer appointed by the Minister of Agriculture at any time after January 1, 1938 but before May 19, 1947, or
 - (B) the Minister of Agriculture has, before May 19, 1947, made a determination under this section that the provisions of sections 176 and 177 shall not extend to the operation of a pari-mutuel system with respect to running races at a race meeting conducted by the association on a race course of another association, or
 - (ii) incorporated on or after May 19, 1947 by special Act of the Parliament of Canada or of the legislature of a province,
during the actual progress of a race meeting conducted by the association upon races being run thereon and if, as to race meetings at which there are running races, the following provisions are complied with, namely,
 - (iii) no race meeting shall continue for more than fourteen consecutive days on days on which racing may be lawfully carried on and there shall be not more than eight races on any of those days, and
 - (iv) no association shall hold, and on any one track there shall not be held, except as hereinafter provided, in any one calendar year more than one race meeting, at which there are running races, of more than seven and not exceeding fourteen such days or two such race meetings having an interval of at least twenty days between them of not more than seven such days each;
- (d) race meetings at which there are trotting or pacing races exclusively where pool-selling, betting or wagering is permitted by an association incorporated in any manner before March 20, 1912, or incorporated after that day by special Act of the Parliament of Canada or of the legislature of a province, on a race course during the actual progress of the race meetings conducted by the association, if the following provisions are complied with, namely,
 - (i) the race meetings shall not in any one calendar year be conducted for more than fourteen days or fourteen nights or a total of fourteen days and nights on which racing may be lawfully carried on,

- (ii) no more than eight races or dashes, or four heat races of three heats each, or six heat races of two heats each shall be held during any twenty-four hour period, and
- (iii) any pari-mutuel system of betting used upon the race course shall be used as hereinafter provided; or
- (e) the operation of a pari-mutuel system with respect to running races at a race meeting conducted by an association on a race course of another association, if
 - (i) the provisions of sections 176 and 177 do not extend to the operation of a pari-mutuel system with respect to running races on the race courses of both associations,
 - (ii) both race courses are in the same province, and
 - (iii) the Minister of Agriculture so determines in a particular case.

(2) Subsection (1) does not apply in respect of a race meeting conducted by an association mentioned in sub-paragraph (i) of paragraph (c) of that subsection in a province other than a province in which the association, before the 1st day of May, 1954, conducted a race meeting with pari-mutuel betting under the supervision of an officer appointed by the Minister of Agriculture.

When subsection (1) does not apply.

(3) No pari-mutuel system of betting shall be used upon any race course unless the system has been approved by and its operation is carried on under the supervision, at the expense of the association, of an officer appointed by the Minister of Agriculture, whose duty it shall be to stop the betting before each race and to see that no further amounts are deposited.

Operation of pari-mutuel system.

(4) Where any person or association becomes a custodian or depository of any money, bet or stakes under a pari-mutuel system during the actual progress of a race meeting conducted by and on the race course of an association in accordance with this section, upon races being run thereon, the percentage deducted and retained by the person or association in respect of each race from the total amount of money so deposited, or of which the person or association becomes the custodian, shall not exceed nine per cent, and, in addition, the person or association may retain the remainder occurring in each calculation under the regulations of the amount payable in respect of each dollar wagered, and any odd cents over any multiple of five cents in the amount so calculated.

Idem.

(5) Where the Minister of Agriculture is not satisfied that a proper proportion of gate receipts and percentages taken from the pari-mutuel pools is being given in purses to horses taking part in the race meeting or that the provisions of this section are being carried out in good faith

Purses.

by the person or association conducting the race meeting, he may at any time order the betting to be stopped for any period that he considers proper.

Regulations.

(6) The Minister of Agriculture may make regulations with respect to the carrying out of the provisions of paragraphs (c), (d) and (e) of subsection (1) and subsections (3) and (4), and may, by the regulations, impose such fines, not exceeding in any one case five hundred dollars for any violation of any such regulations, as he considers necessary to ensure compliance with the regulations.

Lotteries.

179. (1) Every one is guilty of an indictable offence and is liable to imprisonment for two years who

Publishing lottery scheme.

(a) makes, prints, advertises or publishes, or causes or procures to be made, printed, advertised or published, any proposal, scheme or plan for advancing, lending, giving, selling or in any way disposing of any property, by lots, cards, tickets, or any mode of chance whatsoever;

Disposing of lottery tickets.

(b) sells, barter, exchanges or otherwise disposes of, or causes or procures, or aids or assists in, the sale, barter, exchange or other disposal of, or offers for sale, barter or exchange, any lot, card, ticket or other means or device for advancing, lending, giving, selling or otherwise disposing of any property, by lots, tickets or any mode of chance whatsoever;

Conveyance of material for lottery.

(c) knowingly sends, transmits, mails, ships, delivers or allows to be sent, transmitted, mailed, shipped or delivered, or knowingly accepts for carriage or transport or conveys any article that is used or intended for use in carrying out any device, proposal, scheme or plan for advancing, lending, giving, selling or otherwise disposing of any property by any mode of chance whatsoever;

Conducting lottery scheme.

(d) conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who, or the holders of what lots, tickets, numbers or chances, are the winners of any property so proposed to be advanced, loaned, given, sold or disposed of;

Conducting scheme for disposal of property.

(e) conducts, manages or is a party to any scheme, contrivance or operation of any kind by which any person, upon payment of any sum of money, or the giving of any valuable security, or by obligating himself to pay any sum of money or give any valuable security, shall become entitled under the scheme, contrivance or operation, to receive from the person conducting or managing the scheme, contrivance or operation, or any other person, a larger sum of money or amount of valuable security than the sum or amount paid or given, or to be paid or given, by reason of the

fact that other persons have paid or given, or obligated themselves to pay or give any sum of money or valuable security under the scheme, contrivance or operation;

(f) disposes of any goods, wares or merchandise by any game of chance or any game of mixed chance and skill in which the contestant or competitor pays money or other valuable consideration; Disposal of goods by game of chance.

(g) induces any person to stake or hazard any money or other valuable property or thing on the result of any dice game, three-card monte, punch board, coin table or on the operation of a wheel of fortune; Inducing persons to stake money.

(h) for valuable consideration carries on or plays or offers to carry on or to play, or employs any person to carry on or play in a public place or a place to which the public have access, the game of three-card monte; Playing three-card monte.

(i) receives bets of any kind on the outcome of a game of three-card monte; or Receiving bets on three-card monte.

(j) being the owner of a place, permits any person to play the game of three-card monte therein. Permitting three-card monte.

(2) In this section "three-card monte" means the game commonly known as three-card monte and includes any other game that is similar to it, whether or not the game is played with cards and notwithstanding the number of cards or other things that are used for the purpose of playing. "Three-card monte."

(3) Paragraphs (f) and (g) of subsection (1), in so far as they do not relate to a dice game, three-card monte, punch board or coin table, do not apply to an agricultural fair or exhibition, or to any operator of a concession leased by an agricultural fair or exhibition board within its own grounds and operated during the period of the annual fair on those grounds. Exemption of Agricultural fairs.

(4) Every one who buys, takes or receives a lot, ticket or other device mentioned in subsection (1) is guilty of an offence punishable on summary conviction. Offence.

(5) Every sale, loan, gift, barter or exchange of any property, by any lottery, ticket, card or other mode of chance depending upon or to be determined by chance or lot, is void, and all property so sold, lent, given, bartered or exchanged, is forfeited to Her Majesty. Lottery sale void.

(6) Subsection (5) does not affect any right or title to property acquired by any *bona fide* purchaser for valuable consideration without notice. Bona fide purchase.

(7) This section applies to the printing or publishing, or causing to be printed or published, of any advertisement, scheme, proposal or plan of any foreign lottery, and the sale or offer for sale of any ticket, chance or share, in any such lottery, or the advertisement for sale of such ticket, chance or share, and the conducting or managing of any such scheme, contrivance or operation for determining the winners in any such lottery. Foreign lottery included.

Saving.
Dividing
property
by lot.

(8) This section does not apply to

(a) the division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests in any such property;

Raffles at
church
bazaars.

(b) raffles for prizes of small value at any bazaar held for any charitable or religious object, if permission to hold the same has been obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held, and the articles raffled for thereat have first been offered for sale and none of them has a value exceeding fifty dollars;

Rewards to
promote
thrift.

(c) the distribution by lot of premiums given as rewards to promote thrift by punctuality in making periodical deposits of weekly savings in any chartered savings bank; or

Recalling
securities by
lot.

(d) bonds, debentures, debenture stock or other securities recallable by drawing of lots and redeemable with interest and providing for payment of premiums upon redemption or otherwise.

Gambling in
public
conveyances.

180. (1) Every one who obtains or attempts to obtain anything from any person by playing a game in a vehicle, aircraft or vessel used as a public conveyance for passengers is guilty of an indictable offence and is liable to imprisonment for two years.

Arrest
without
warrant.

(2) Every person in charge of a vehicle, aircraft or vessel and any person authorized by him may arrest, without warrant, a person who he has good reason to believe has committed or attempted to commit or is committing or attempting to commit an offence under this section.

Posting up
section.

(3) Every person who owns or operates a vehicle, aircraft or vessel to which this section applies shall keep posted up, in some conspicuous part thereof, a copy of this section or a notice to the like effect, and in default thereof is guilty of an offence punishable on summary conviction.

Cheating
at play.

181. Every one who, with intent to defraud any person, cheats while playing a game or in holding the stakes for a game or in betting is guilty of an indictable offence and is liable to imprisonment for two years.

BAWDY-HOUSES.

Keeping
common
bawdy-
house.

182. (1) Every one who keeps a common bawdy-house is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Every one who

(a) is an inmate of a common bawdy-house,

Inmate.

(b) is found, without lawful excuse, in a common bawdy-house, or

Person
found.

(c) as owner, landlord, lessor, tenant, occupier, agent or otherwise having charge or control of any place, knowingly permits the place or any part thereof to be let or used for the purposes of a common bawdy-house, is guilty of an offence punishable on summary conviction. Liability of landlord.

(3) Where a person is convicted of an offence under subsection (1), the court shall cause a notice of the conviction to be served upon the owner, landlord or lessor of the place in respect of which the person is convicted or his agent, and the notice shall contain a statement to the effect that it is being served pursuant to this section. Notice of conviction to be served on owner.

(4) Where a person upon whom a notice is served under subsection (3) fails forthwith to exercise any right he may have to determine the tenancy or right of occupation of the person so convicted, and thereafter any person is convicted of an offence under subsection (1) in respect of the same premises, the person upon whom the notice was served shall be deemed to have committed an offence under subsection (1) unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence. Duty of landlord on notice.

183. Every one who knowingly takes, transports, directs, or offers to take, transport, or direct any other person to a common bawdy-house is guilty of an offence punishable on summary conviction. Transporting person to bawdy-house.

PROCURING.

184. (1) Every one who

Procuring.

- (a) procures, attempts to procure or solicits a female person to have illicit sexual intercourse with another person, whether in or out of Canada,
- (b) inveigles or entices a female person who is not a common prostitute or a person of known immoral character to a common bawdy-house or house of assignation for the purpose of illicit sexual intercourse or prostitution,
- (c) knowingly conceals a female person in a common bawdy-house or house of assignation,
- (d) procures or attempts to procure a female person to become, whether in or out of Canada, a common prostitute,
- (e) procures or attempts to procure a female person to leave her usual place of abode in Canada, if that place is not a common bawdy-house, with intent that she may become an inmate or frequenter of a common bawdy-house, whether in or out of Canada,
- (f) on the arrival of a female person in Canada, directs or causes her to be directed, or takes or causes her to be taken, to a common bawdy-house or house of assignation,

- (g) procures a female person to enter or leave Canada, for the purpose of prostitution,
 - (h) for the purposes of gain, exercises control, direction or influence over the movements of a female person in such manner as to show that he is aiding, abetting or compelling her to engage in or carry on prostitution with any person or generally,
 - (i) applies or administers to a female person or causes her to take any drug, intoxicating liquor, matter, or thing with intent to stupefy or overpower her in order thereby to enable any person to have illicit sexual intercourse with her,
 - (j) being a male person, lives wholly or in part on the avails of prostitution, or
 - (k) being a female person, lives wholly or in part on the avails of prostitution of another female person,
- is guilty of an indictable offence and is liable to imprisonment for ten years.

Presumption. (2) Evidence that a male person lives with or is habitually in the company of prostitutes, or lives in a common bawdy-house or house of assignation is *prima facie* evidence that he lives on the avails of prostitution.

Corroboration. (3) No person shall be convicted of an offence under subsection (1), other than an offence under paragraph (j) of that subsection, upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Limitation. (4) No proceedings for an offence under this section shall be commenced more than one year after the time when the offence is alleged to have been committed.

PART VI.

OFFENCES AGAINST THE PERSON AND REPUTATION.

INTERPRETATION.

185. In this Part,

"Abandon."
"Expose."

- (a) "abandon" or "expose" includes
 - (i) a wilful omission to take charge of a child by a person who is under a legal duty to do so, and
 - (ii) dealing with a child in a manner that is likely to leave that child exposed to risk without protection;

"Child."

- (b) "child" includes an adopted child and an illegitimate child;

- (c) "form of marriage" includes a ceremony of marriage that is recognized as valid "Form of marriage."
- (i) by the law of the place where it was celebrated, or
 - (ii) by the law of the place where an accused is tried, notwithstanding that it is not recognized as valid by the law of the place where it was celebrated; and
- (d) "guardian" includes a person who has in law or in fact the custody or control of a child. "Guardian."

DUTIES TENDING TO PRESERVATION OF LIFE.

- 186.** (1) Every one is under a legal duty Duty of persons to provide necessities.
- (a) as a parent, foster parent, guardian or head of a family, to provide necessities of life for a child under the age of sixteen years;
 - (b) as a husband, to provide necessities of life for his wife; and
 - (c) to provide necessities of life to a person under his charge if that person
 - (i) is unable, by reason of detention, age, illness, insanity or other cause, to withdraw himself from that charge, and
 - (ii) is unable to provide himself with necessities of life.
- (2) Every one commits an offence who, being under a legal duty within the meaning of subsection (1), fails without lawful excuse, the proof of which lies upon him, to perform that duty, if Offence.
- (a) with respect to a duty imposed by paragraph (a) or (b) of subsection (1),
 - (i) the person to whom the duty is owed is in destitute or necessitous circumstances, or
 - (ii) the failure to perform the duty endangers the life of the person to whom the duty is owed, or causes or is likely to cause the health of that person to be endangered permanently; or
 - (b) with respect to a duty imposed by paragraph (c) of subsection (1), the failure to perform the duty endangers the life of the person to whom the duty is owed or causes or is likely to cause the health of that person to be injured permanently.
- (3) Every one who commits an offence under subsection (2) is guilty of Punishment.
- (a) an indictable offence and is liable to imprisonment for two years; or
 - (b) an offence punishable on summary conviction.
- (4) For the purpose of proceedings under this section, Presump-tions.
- (a) evidence that a man has cohabited with a woman or has in any way recognized her as being his wife is *prima facie* evidence that they are lawfully married;

- (b) evidence that a person has in any way recognized a child as being his child is *prima facie* evidence that the child is his child;
- (c) evidence that a man has left his wife and has failed, for a period of any one month subsequent to the time of his so leaving, to make provision for her maintenance or for the maintenance of any child of his under the age of sixteen years, is *prima facie* evidence that he has failed without lawful excuse to provide necessities of life for them; and
- (d) the fact that a wife or child is receiving or has received necessities of life from another person who is not under a legal duty to provide them is not a defence.

Duty of persons undertaking acts dangerous to life.

187. Every one who undertakes to administer surgical or medical treatment to another person or to do any other lawful act that may endanger the life of another person is, except in cases of necessity, under a legal duty to have and to use reasonable knowledge, skill and care in so doing.

Duty of persons undertaking acts.

188. Every one who undertakes to do an act is under a legal duty to do it if an omission to do the act is or may be dangerous to life.

Abandoning child.

189. Every one who unlawfully abandons or exposes a child who is under the age of ten years, so that its life is or is likely to be endangered or its health is or is likely to be permanently injured, is guilty of an indictable offence and is liable to imprisonment for two years.

Causing bodily harm to apprentice or servant.

Master failing to provide necessities.

190. Every master who

- (a) unlawfully does, or causes to be done, bodily harm to his apprentice or servant so that his life is endangered or his health is or is likely to be permanently injured, or
 - (b) omits, without lawful excuse, to provide necessities of life for an apprentice or servant in accordance with any contract that he has entered into with respect to that apprentice or servant,
- is guilty of an indictable offence and is liable to imprisonment for two years.

CRIMINAL NEGLIGENCE.

"Criminal negligence."

191. (1) Every one is criminally negligent who

- (a) in doing anything, or
 - (b) in omitting to do anything that it is his duty to do,
- shows wanton or reckless disregard for the lives or safety of other persons.

"Duty."

(2) For the purposes of this section, "duty" means a duty imposed by law.

192. Every one who by criminal negligence causes death to another person is guilty of an indictable offence and is liable to imprisonment for life.

Causing death by criminal negligence.

193. Every one who by criminal negligence causes bodily harm to another person is guilty of an indictable offence and is liable to imprisonment for ten years.

Causing bodily harm by criminal negligence.

HOMICIDE.

194. (1) A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.

Homicide.

(2) Homicide is culpable or not culpable.

Kinds of homicide.

(3) Homicide that is not culpable is not an offence.

Non culpable homicide.
Culpable homicide.

(4) Culpable homicide is murder or manslaughter or infanticide.

(5) A person commits culpable homicide when he causes the death of a human being,

Idem.

(a) by means of an unlawful act,

(b) by criminal negligence,

(c) by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death, or

(d) by wilfully frightening that human being, in the case of a child or sick person.

(6) Notwithstanding anything in this section, a person does not commit homicide within the meaning of this Act by reason only that he causes the death of a human being by procuring, by false evidence, the conviction and death of that human being by sentence of the law.

Exception.

195. (1) A child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother whether or not

When child becomes human being.

(a) it has breathed,

(b) it has an independent circulation, or

(c) the navel string is severed.

(2) A person commits homicide when he causes injuries to a child before or during its birth as a result of which the child dies.

Killing child.

196. Where a person, by an act or omission, does any thing that results in the death of a human being, he causes the death of that human being notwithstanding that death from that cause might have been prevented by resorting to proper means.

Death which might have been prevented.

Death from
treatment of
injury.

197. Where a person causes to a human being a bodily injury that is of itself of a dangerous nature and from which death results, he causes the death of that human being notwithstanding that the immediate cause of death is proper or improper treatment that is applied in good faith.

Death within
year and a
day.

198. No person commits culpable homicide or the offence of causing the death of a human being by criminal negligence unless the death occurs within one year and one day commencing with the time of the occurrence of the last event by means of which he caused or contributed to the cause of death.

Acceleration
of death.

199. Where a person causes bodily injury to a human being that results in death, he causes the death of that human being notwithstanding that the effect of the bodily injury is only to accelerate his death from a disease or disorder arising from some other cause.

Killing by
influence on
the mind.

200. No person commits culpable homicide where he causes the death of a human being

(a) by any influence on the mind alone, or,

(b) by any disorder or disease resulting from influence on the mind alone,

but this section does not apply where a person causes the death of a child or sick person by wilfully frightening him.

MURDER, MANSLAUGHTER AND INFANTICIDE.

Murder.

201. Culpable homicide is murder

(a) where the person who causes the death of a human being

(i) means to cause his death, or

(ii) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not;

(b) where a person, meaning to cause death to a human being or meaning to cause him bodily harm that he knows is likely to cause his death, and being reckless whether death ensues or not, by accident or mistake causes death to another human being, notwithstanding that he does not mean to cause death or bodily harm to that human being; or

(c) where a person, for an unlawful object, does anything that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to effect his object without causing death or bodily harm to any human being.

202. Culpable homicide is murder where a person causes the death of a human being while committing or attempting to commit treason or an offence mentioned in section 52, piracy, escape or rescue from prison or lawful custody, resisting lawful arrest, rape, indecent assault, forcible abduction, robbery, burglary or arson, whether or not the person means to cause death to any human being and whether or not he knows that death is likely to be caused to any human being, if

- (a) he means to cause bodily harm for the purpose of
 - (i) facilitating the commission of the offence, or
 - (ii) facilitating his flight after committing or attempting to commit the offence,
 and the death ensues from the bodily harm;
- (b) he administers a stupefying or overpowering thing for a purpose mentioned in paragraph (a), and the death ensues therefrom;
- (c) he wilfully stops, by any means, the breath of a human being for a purpose mentioned in paragraph (a), and the death ensues therefrom; or
- (d) he uses a weapon or has it upon his person
 - (i) during or at the time he commits or attempts to commit the offence, or
 - (ii) during or at the time of his flight after committing or attempting to commit the offence,
 and the death ensues as a consequence.

Murder in commission of offences.

Intention to cause bodily harm.

Administering overpowering thing.

Stopping the breath.

Using weapon.

203. (1) Culpable homicide that otherwise would be murder may be reduced to manslaughter if the person who committed it did so in the heat of passion caused by sudden provocation.

(2) A wrongful act or insult that is of such a nature as to be sufficient to deprive an ordinary person of the power of self-control is provocation for the purposes of this section if the accused acted upon it on the sudden and before there was time for his passion to cool.

- (3) For the purposes of this section the questions
 - (a) whether a particular wrongful act or insult amounted to provocation, and
 - (b) whether the accused was deprived of the power of self-control by the provocation that he alleges he received,

Questions of fact.

are questions of fact, but no one shall be deemed to have given provocation to another by doing anything that he had a legal right to do, or by doing anything that the accused incited him to do in order to provide the accused with an excuse for causing death or bodily harm to any human being.

(4) Culpable homicide that otherwise would be murder is not necessarily manslaughter by reason only that it was committed by a person who was being arrested illegally, but

Death during illegal arrest.

the fact that the illegality of the arrest was known to the accused may be evidence of provocation for the purpose of this section.

Infanticide.

204. A female person commits infanticide when by a wilful act or omission she causes the death of her newly-born child, if at the time of the act or omission she is not fully recovered from the effects of giving birth to the child and by reason thereof or of the effect of lactation consequent on the birth of the child her mind is then disturbed.

Man-slaughter.

205. Culpable homicide that is not murder or infanticide is manslaughter.

Punishment for murder.

206. Every one who commits murder is guilty of an indictable offence and shall be sentenced to death.

Punishment for manslaughter.

207. Every one who commits manslaughter is guilty of an indictable offence and is liable to imprisonment for life.

Punishment for infanticide.

208. Every female person who commits infanticide is guilty of an indictable offence and is liable to imprisonment for five years.

Killing unborn child.

209. (1) Every one who causes the death of a child that has not become a human being, in such a manner that, if the child were a human being, he would be guilty of murder, is guilty of an indictable offence and is liable to imprisonment for life.

Saving.

(2) This section does not apply to a person who, by means that, in good faith, he considers necessary to preserve the life of the mother of a child that has not become a human being, causes the death of the child.

Attempt to commit murder

210. Every one who attempts by any means to commit murder is guilty of an indictable offence and is liable to imprisonment for life.

Accessory after fact to murder.

211. Every one who is an accessory after the fact to murder is guilty of an indictable offence and is liable to imprisonment for life.

SUICIDE.

Counselling or aiding suicide.

212. Every one who

(a) counsels or procures a person to commit suicide,

or

(b) aids or abets a person to commit suicide, whether suicide ensues or not, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

213. Every one who attempts to commit suicide is guilty of an offence punishable on summary conviction. Attempt to commit suicide.

NEGLECT IN CHILDBIRTH AND CONCEALING DEAD BODY.

214. A female person who, being pregnant and about to be delivered, with intent that the child shall not live or with intent to conceal the birth of the child, fails to make provision for reasonable assistance in respect of her delivery is, if the child is permanently injured as a result thereof or dies immediately before, during or in a short time after birth, as a result thereof, guilty of an indictable offence and is liable to imprisonment for five years. Neglect to obtain assistance in childbirth.

215. Every one who in any manner disposes of the dead body of a child, with intent to conceal the fact that its mother has been delivered of it, whether the child died before, during or after birth, is guilty of an indictable offence and is liable to imprisonment for two years. Concealing body of child.

BODILY HARM AND ACTS AND OMISSIONS CAUSING DANGER TO THE PERSON.

216. Every one who, with intent
 (a) to wound, maim or disfigure any person,
 (b) to endanger the life of any person, or
 (c) to prevent the arrest or detention of any person,
 discharges a firearm, air gun or air pistol at or causes bodily harm in any way to any person, whether or not that person is the one mentioned in paragraph (a), (b) or (c), is guilty of an indictable offence and is liable to imprisonment for fourteen years. Causing bodily harm with intent.

217. Every one who administers or causes to be administered to any person or causes any person to take poison or any other destructive or noxious thing is guilty of an indictable offence and is liable Administering noxious thing.

(a) to imprisonment for fourteen years, if he intends thereby to endanger the life of or to cause bodily harm to that person, or, Causing bodily harm.
 (b) to imprisonment for two years, if he intends thereby to aggrieve or annoy that person. Intent to annoy.

218. Every one who, with intent to enable or assist himself or another person to commit an indictable offence, (a) attempts, by any means, to choke, suffocate or strangle another person, or by any means calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or Overcoming resistance to commission of offence.

(b) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing, is guilty of an indictable offence and is liable to imprisonment for life and to be whipped.

Traps likely
to cause
bodily harm.

219. (1) Every one who, with intent to cause death or bodily harm to persons, whether ascertained or not, sets or places or causes to be set or placed a trap, device or other thing whatsoever that is likely to cause death or bodily harm to persons is guilty of an indictable offence and is liable to imprisonment for five years.

Permitting
traps on
premises.

(2) A person who, being in occupation or possession of a place where anything mentioned in subsection (1) has been set or placed, knowingly and wilfully permits it to remain there, shall be deemed, for the purposes of that subsection, to have set or placed it with the intent mentioned therein.

Interfering
with trans-
portation
facilities.

220. Every one who, with intent to endanger the safety of any person, places anything upon or does anything to any property that is used for or in connection with the transportation of persons or goods by land, water or air that is likely to cause death or bodily harm to persons is guilty of an indictable offence and is liable to imprisonment for life.

AUTOMOBILES.

DANGEROUS PLACES AND UNSEAWORTHY SHIPS.

Criminal
negligence in
operation of
motor
vehicle.

221. (1) Every one who is criminally negligent in the operation of a motor vehicle is guilty of

(a) an indictable offence and is liable to imprisonment for five years, or

(b) an offence punishable on summary conviction.

Failing to
stop at scene
of accident.

(2) Every one who, having the care, charge or control of a vehicle that is involved in an accident with a person, vehicle or cattle in charge of a person, with intent to escape civil or criminal liability fails to stop his vehicle, give his name and address and, where any person has been injured, offer assistance, is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Prima facie
evidence.

(3) In proceedings under subsection (2), evidence that an accused failed to stop his vehicle, offer assistance where any person has been injured and give his name and address is *prima facie* evidence of an intent to escape civil and criminal liability.

222. Every one who, while intoxicated or under the influence of a narcotic drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of

Driving while intoxicated.

- (a) an indictable offence and is liable
 - (i) for a first offence, to imprisonment for not more than three months and not less than thirty days, and
 - (ii) for each subsequent offence, to imprisonment for not more than one year and not less than three months; or
- (b) an offence punishable on summary conviction and is liable
 - (i) for a first offence, to imprisonment for not more than thirty days and not less than seven days,
 - (ii) for a second offence, to imprisonment for not more than three months and not less than one month, and
 - (iii) for each subsequent offence, to imprisonment for not more than one year and not less than three months.

223. Every one who, while his ability to drive a motor vehicle is impaired by alcohol or a drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of an indictable offence or an offence punishable on summary conviction and is liable

Driving while ability to drive is impaired.

- (a) for a first offence, to a fine of not more than five hundred dollars and not less than fifty dollars or to imprisonment for three months or to both,
- (b) for a second offence, to imprisonment for not more than three months and not less than fourteen days, and
- (c) for each subsequent offence, to imprisonment for not more than one year and not less than three months.

224. (1) Where an accused is charged with an offence under section 222, and the evidence does not establish that he committed an offence under that section, but establishes that he committed an offence under section 223, the accused may be convicted of an offence under section 223 and the conviction bars further proceedings for any such offence under section 222 or 223.

Conviction under section 223 when charged with offence under section 222.

(2) For the purpose of sections 222 and 223, where a person occupies the seat ordinarily occupied by the driver of a motor vehicle he shall be deemed to have the care or control of the vehicle unless he establishes that he did not enter or mount the vehicle for the purpose of setting it in motion.

Presumption of care or control.

(3) In any proceedings under section 222 or 223, the result of a chemical analysis of a sample of the blood, urine, breath or other bodily substance of a person may be

Chemical analysis.

admitted in evidence on the issue whether that person was intoxicated or under the influence of a narcotic drug or whether his ability to drive was impaired by alcohol or a drug, notwithstanding that he was not, before he gave the sample, warned that he need not give the sample or that the results of the analysis of the sample might be used in evidence.

No obligation to give sample

(4) No person is required to give a sample of blood, urine, breath or other bodily substance for chemical analysis for the purposes of this section and evidence that a person refused to give such a sample or that such a sample was not taken is not admissible nor shall such a refusal or the fact that a sample was not taken be the subject of comment by any person in the proceedings.

Order prohibiting driving.

225. (1) Where an accused is convicted of an offence under section 192, 193 or 207 committed by means of a motor vehicle or of an offence under subsection (1) of section 221 or under section 222 or 223, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from driving a motor vehicle on the highway in Canada

(a) during any period that the court, judge, justice or magistrate considers proper, if he is liable to imprisonment for life in respect of that offence, or

(b) during any period not exceeding three years, if he is not liable to imprisonment for life in respect of that offence.

Copy of order for registrar.

(2) Where an order is made pursuant to subsection (1), a copy of the order certified under the hand of the justice or magistrate or under the hand of the judge or the clerk of the court and sealed with the seal, if any, of the court, shall

(a) where the accused holds a permit or licence to drive a motor vehicle, be sent to the registrar of motor vehicles for the province in which the licence or permit was issued, or

(b) where the accused does not hold a permit or licence to drive a motor vehicle, be sent to the registrar of motor vehicles for the province in which the accused resides.

Driving while disqualified.

(3) Every one who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor vehicle by reason of

(a) the legal suspension or cancellation, in any province, of his permit or licence to drive a motor vehicle in that province, or

(b) an order made pursuant to subsection (1), is guilty of an offence punishable on summary conviction.

226. Every one who, without lawful excuse, owns or has the care, charge or control of a motor vehicle or vessel equipped with an apparatus for making a smoke screen is guilty of an offence punishable on summary conviction.

Motor vehicle equipped with smoke screen.

227. Every one who

(a) prevents or impedes or attempts to prevent or impede any person who is attempting to save his own life, or

Impeding attempt to save life.

(b) without reasonable cause prevents or impedes or attempts to prevent or impede any person who is attempting to save the life of another person,

is guilty of an indictable offence and is liable to imprisonment for ten years.

228. (1) Every one who makes or causes to be made an opening in ice that is open to or frequented by the public is under a legal duty to guard it in a manner that is adequate to prevent persons from falling in by accident and is adequate to warn them that the opening exists.

Duty to safeguard dangerous places.

(2) Every one who leaves an excavation on land that he owns or of which he has charge or supervision is under a legal duty to guard it in a manner that is adequate to prevent persons from falling in by accident and is adequate to warn them that the excavation exists.

Idem.

(3) Every one who fails to perform a duty imposed by subsection (1) or (2)

Offences.

(a) is guilty of manslaughter, if the death of any person results therefrom,

(b) is guilty of an offence under subsection (2) of section 231, if bodily harm to any person results therefrom, or

(c) is guilty of an offence punishable on summary conviction.

229. (1) Every one who sends or attempts to send or being the master knowingly takes a Canadian ship

Sending or taking unseaworthy ship to sea.

(a) on a voyage from a place in Canada to any other place, whether that voyage is by sea or by coastal or inland waters, or

(b) on a voyage from a place on the inland waters of the United States to a place in Canada,

in an unseaworthy condition from any cause, and thereby endangers the life of any person, is guilty of an indictable offence and is liable to imprisonment for five years.

(2) An accused shall not be convicted of an offence under this section where he proves

Defences.

(a) that he used all reasonable means to ensure that the ship was in a seaworthy state, or

(b) that to send or take the ship in that unseaworthy condition was, under the circumstances, reasonable and justifiable.

Consent of
Attorney
General.

(3) No proceedings shall be instituted under this section without the consent in writing of the Attorney General of Canada.

ASSAULTS.

"Assault."

230. A person commits an assault when, without the consent of another person or with consent, where it is obtained by fraud,

(a) he applies force intentionally to the person of the other, directly or indirectly, or

(b) he attempts or threatens, by an act or gesture, to apply force to the person of the other, if he has or causes the other to believe upon reasonable grounds that he has present ability to effect his purpose.

Punishment
for common
assault.

231. (1) Every one who commits a common assault is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Causing
bodily
harm by
assault or
otherwise.

(2) Every one who unlawfully causes bodily harm to any person or commits an assault that causes bodily harm to any person is guilty of an indictable offence and is liable to imprisonment for two years.

Assault
with intent.

232. (1) Every one who assaults a person with intent to commit an indictable offence is guilty of an indictable offence and is liable to imprisonment for five years.

Other
assaults.

(2) Every one who

(a) assaults a public officer or peace officer engaged in the execution of his duty, or a person acting in aid of such an officer;

(b) assaults a person with intent to resist or prevent the lawful arrest or detention of himself or another person;

or

(c) assaults a person

(i) who is engaged in the lawful execution of a process against lands or goods or in making a lawful distress or seizure, or

(ii) with intent to rescue anything taken under a lawful process, distress or seizure,

is guilty of an indictable offence and is liable to imprisonment for two years.

KIDNAPPING AND ABDUCTION.

Kidnapping.

233. (1) Every one who kidnaps a person with intent

(a) to cause him to be confined or imprisoned against his will,

(b) to cause him to be unlawfully sent or transported out of Canada against his will, or

(c) to hold him for ransom or to service against his will, is guilty of an indictable offence and is liable to imprisonment for life.

(2) Every one who, without lawful authority, confines, imprisons or forcibly seizes another person is guilty of an indictable offence and is liable to imprisonment for five years. Forcible confinement.

(3) In proceedings under this section the fact that the person in relation to whom the offence is alleged to have been committed did not resist is not a defence unless the accused proves that the failure to resist was not caused by threats, duress, force or exhibition of force. Non-resistance.

234. Every one who takes away or detains a female person, against her will, with intent Abduction of female.

(a) to marry her or to have illicit sexual intercourse with her, or

(b) to cause her to marry or to have illicit sexual intercourse with a male person,
is guilty of an indictable offence and is liable to imprisonment for ten years.

235. (1) Every one who, without lawful authority, takes or causes to be taken an unmarried female person under the age of sixteen years out of the possession of and against the will of her parent or guardian or of any other person who has lawful care or charge of her is guilty of an indictable offence and is liable to imprisonment for five years. Abduction of female under sixteen.

(2) For the purpose of proceedings under this section it is not material whether

(a) the female person is taken with her own consent or at her own suggestion, or Consent immaterial.

(b) the accused believes that the female person is sixteen years of age or more. Belief as to age immaterial.

236. (1) Every one who, with intent to deprive a parent or guardian or any other person who has lawful care or charge of a child under the age of fourteen years of the possession of that child, or with intent to steal anything on or about the person of such a child, unlawfully Abduction of child under fourteen.

(a) takes or entices away or detains the child, or

(b) receives or harbours the child,
is guilty of an indictable offence and is liable to imprisonment for ten years.

(2) This section does not apply to a person who, claiming in good faith a right to possession of a child, obtains possession of the child. Bona fide claim of right.

ABORTION.

Procuring
miscarriage.

237. (1) Every one who, with intent to procure the miscarriage of a female person, whether or not she is pregnant, uses any means for the purpose of carrying out his intention is guilty of an indictable offence and is liable to imprisonment for life.

Woman
procuring her
own mis-
carriage.

(2) Every female person who, being pregnant, with intent to procure her own miscarriage, uses any means or permits any means to be used for the purpose of carrying out her intention is guilty of an indictable offence and is liable to imprisonment for two years.

"Means"
defined

(3) In this section, "means" includes

- (a) the administration of a drug or other noxious thing,
- (b) the use of an instrument, and
- (c) manipulation of any kind.

Supplying
noxious
things.

238. Every one who unlawfully supplies or procures a drug or other noxious thing or an instrument or thing, knowing that it is intended to be used or employed to procure the miscarriage of a female person, whether or not she is pregnant, is guilty of an indictable offence and is liable to imprisonment for two years.

VENEREAL DISEASES.

Venereal
disease.

239. (1) Every one who, having venereal disease in a communicable form, communicates it to another person is guilty of an offence punishable on summary conviction.

Defence.

(2) No person shall be convicted of an offence under this section where he proves that he had reasonable grounds to believe and did believe that he did not have venereal disease in a communicable form at the time the offence is alleged to have been committed.

Corrobor-
ation.

(3) No person shall be convicted of an offence under this section upon the evidence of only one witness, unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

"Venereal
disease."

(4) For the purposes of this section, "venereal disease" means syphilis, gonorrhea or soft chancre.

OFFENCES AGAINST CONJUGAL RIGHTS.

"Bigamy."

240. (1) Every one commits bigamy who

(a) in Canada,

- (i) being married, goes through a form of marriage with another person,
- (ii) knowing that another person is married, goes through a form of marriage with that person, or
- (iii) on the same day or simultaneously, goes through a form of marriage with more than one person; or

(b) being a Canadian citizen resident in Canada leaves Canada with intent to do anything mentioned in subparagraphs (i) to (iii) of paragraph (a) and, pursuant thereto, does outside of Canada anything mentioned in those subparagraphs in circumstances mentioned therein.

(2) No person commits bigamy by going through a form of marriage if

(a) that person in good faith and on reasonable grounds believes that his spouse is dead,

(b) the spouse of that person has been continuously absent from him for seven years immediately preceding the time when he goes through the form of marriage, unless he knew that his spouse was alive at any time during those seven years,

(c) that person has been divorced from the bond of the first marriage, or

(d) the former marriage has been declared void by a court of competent jurisdiction.

(3) Where a person is alleged to have committed bigamy, it is not a defence that the parties would, if unmarried, have been incompetent to contract marriage under the law of the place where the offence is alleged to have been committed.

(4) Every marriage or form of marriage shall, for the purpose of this section, be deemed to be valid unless the accused establishes that it was invalid.

(5) No act or omission on the part of an accused who is charged with bigamy invalidates a marriage or form of marriage that is otherwise valid.

241. (1) Every one who commits bigamy is guilty of an indictable offence and is liable to imprisonment for five years.

(2) For the purposes of this section a certificate of marriage issued under the authority of law is *prima facie* evidence of the marriage or form of marriage to which it relates without proof of the signature or official character of the person by whom it purports to be signed.

242. (1) Every male person who

(a) procures, or

(b) knowingly aids in procuring,

a feigned marriage between himself and a female person is guilty of an indictable offence and is liable to imprisonment for five years.

(2) No person shall be convicted of an offence under this section upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

243. (1) Every one who

(a) practises or enters into or in any manner agrees or consents to practise or enter into

Polygamy.
Conjugal
union.

(i) any form of polygamy, or

(ii) any kind of conjugal union with more than one person at the same time,

whether or not it is by law recognized as a binding form of marriage; or

Celebrating
rite.

(b) celebrates, assists or is a party to a rite, ceremony, contract or consent that purports to sanction a relationship mentioned in subparagraph (i) or (ii) of paragraph (a),

is guilty of an indictable offence and is liable to imprisonment for five years.

Evidence
in case of
polygamy.

(2) Where an accused is charged with an offence under this section, no averment or proof of the method by which the alleged relationship was entered into, agreed to or consented to is necessary in the indictment or upon the trial of the accused, nor is it necessary upon the trial to prove that the persons who are alleged to have entered into the relationship had or intended to have sexual intercourse.

UNLAWFUL SOLEMNIZATION OF MARRIAGE.

244. Every one who

Pretending to
solemnize
marriage.

(a) solemnizes or pretends to solemnize a marriage without lawful authority, the proof of which lies upon him, or

Procuring
unlawful
marriage.

(b) procures a person to solemnize a marriage knowing that he is not lawfully authorized to solemnize the marriage,

is guilty of an indictable offence and is liable to imprisonment for two years.

Marriage
contrary
to law.

245. Every one who, being lawfully authorized to solemnize marriage, knowingly and wilfully solemnizes a marriage in violation of the laws of the province in which the marriage is solemnized is guilty of an indictable offence and is liable to imprisonment for two years.

BLASPHEMOUS LIBEL.

Offence.

246. (1) Every one who publishes a blasphemous libel is guilty of an indictable offence and is liable to imprisonment for two years.

Question of
fact.

(2) It is a question of fact whether or not any matter that is published is a blasphemous libel.

(3) No person shall be convicted of an offence under this section for expressing in good faith and in decent language, or attempting to establish by argument used in good faith and conveyed in decent language, an opinion upon a religious subject. Saving.

DEFAMATORY LIBEL.

247. In sections 248 to 267, "newspaper" means any paper, magazine or periodical containing public news, intelligence or reports of events, or any remarks or observations thereon, printed for sale and published periodically or in parts or numbers, at intervals not exceeding thirty-one days between the publication of any two such papers, parts or numbers, and any paper, magazine or periodical printed in order to be dispersed and made public, weekly or more often, or at intervals not exceeding thirty-one days, that contains advertisements, exclusively or principally. "Newspaper."

248. (1) A defamatory libel is matter published, without lawful justification or excuse, that is likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or that is designed to insult the person of or concerning whom it is published. Definition.

(2) A defamatory libel may be expressed directly or by insinuation or irony Mode of expression.

- (a) in words legibly marked upon any substance, or
- (b) by any object signifying a defamatory libel otherwise than by words.

249. A person publishes a libel when he

- (a) exhibits it in public,
 - (b) causes it to be read or seen, or
 - (c) shows or delivers it, or causes it to be shown or delivered, with intent that it should be read or seen by the person whom it defames or by any other person.
- "Publishing."

250. Every one who publishes a defamatory libel that he knows is false is guilty of an indictable offence and is liable to imprisonment for five years. Punishment of libel known to be false.

251. Every one who publishes a defamatory libel is guilty of an indictable offence and is liable to imprisonment for two years. Punishment for defamatory libel.

252. (1) Every one commits an offence who, with intent

- (a) to extort money from any person, or
- (b) to induce a person to confer upon or procure for another person an appointment or office of profit or trust,

Extortion by libel.

publishes or threatens to publish or offers to abstain from publishing or to prevent the publication of a defamatory libel.

Idem.

(2) Every one commits an offence who, as the result of the refusal of any person to permit money to be extorted or to confer or procure an appointment or office of profit or trust, publishes or threatens to publish a defamatory libel.

Punishment.

(3) Every one who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for five years.

Proprietor of newspaper presumed responsible.

253. (1) The proprietor of a newspaper shall be deemed to publish defamatory matter that is inserted and published therein, unless he proves that the defamatory matter was inserted in the newspaper without his knowledge and without negligence on his part.

General authority to manager when negligence.

(2) Where the proprietor of a newspaper gives to a person general authority to manage or conduct the newspaper as editor or otherwise, the insertion by that person of defamatory matter in the newspaper shall, for the purposes of subsection (1), be deemed not to be negligence on the part of the proprietor unless it is proved that

(a) he intended the general authority to include authority to insert defamatory matter in the newspaper, or

(b) he continued to confer general authority after he knew that it had been exercised by the insertion of defamatory matter in the newspaper.

Selling newspapers.

(3) No person shall be deemed to publish a defamatory libel by reason only that he sells a number or part of a newspaper that contains a defamatory libel, unless he knows that the number or part contains defamatory matter or that defamatory matter is habitually contained in the newspaper.

Selling book containing defamatory libel.

254. (1) No person shall be deemed to publish a defamatory libel by reason only that he sells a book, magazine, pamphlet or other thing, other than a newspaper that contains defamatory matter if, at the time of the sale, he does not know that it contains the defamatory matter.

Sale by servant.

(2) Where a servant, in the course of his employment, sells a book, magazine, pamphlet or other thing, other than a newspaper, the employer shall be deemed not to publish any defamatory matter contained therein unless it is proved that the employer authorized the sale knowing that

(a) defamatory matter was contained therein, or

(b) defamatory matter was habitually contained therein, in the case of a periodical.

Publishing proceedings of courts of justice.

255. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter

(a) in a proceeding held before or under the authority of a court exercising judicial authority, or

(b) in an inquiry made under the authority of an Act or by order of Her Majesty, or under the authority of a public department or a department of the government of a province.

256. No person shall be deemed to publish a defamatory libel by reason only that he Parliamentary papers.

(a) publishes to the Senate or House of Commons or to a legislature, defamatory matter contained in a petition to the Senate or House of Commons or to the legislature, as the case may be,

(b) publishes by order or under the authority of the Senate or House of Commons or of a legislature, a paper containing defamatory matter, or

(c) publishes, in good faith and without ill-will to the person defamed, an extract from or abstract of a petition or paper mentioned in paragraph (a) or (b).

257. (1) No person shall be deemed to publish a defamatory libel by reason only that he publishes in good faith, for the information of the public, a fair report of the proceedings of the Senate or House of Commons or a legislature, or a committee thereof, or of the public proceedings before a court exercising judicial authority, or publishes, in good faith, any fair comment upon any such proceedings. Fair reports of parliamentary or judicial proceedings.

(2) This section does not apply to a person who publishes a report of evidence taken or offered in any proceeding before the Senate or House of Commons or any committee thereof, upon a petition or bill relating to any matter of marriage or divorce, if the report is published without authority from or leave of the House in which the proceeding is held or is contrary to any rule, order or practice of that House. Divorce proceedings an exception.

258. No person shall be deemed to publish a defamatory libel by reason only that he publishes in good faith, in a newspaper, a fair report of the proceedings of any public meeting if Fair report of public meeting.

(a) the meeting is lawfully convened for a lawful purpose and is open to the public,

(b) the report is fair and accurate,

(c) the publication of the matter complained of is for the public benefit, and

(d) he does not refuse to publish in a conspicuous place in the newspaper a reasonable explanation or contradiction by the person defamed in respect of the defamatory matter.

Public
benefit.

259. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter that, on reasonable grounds, he believes is true, and that is relevant to any subject of public interest, the public discussion of which is for the public benefit.

Fair
comment.

260. No person shall be deemed to publish a defamatory libel by reason only that he publishes fair comments

On public
person.

(a) upon the public conduct of a person who takes part in public affairs, or

On work of
art or
literature.

(b) upon a published book or other literary production, or on any composition or work of art or performance publicly exhibited, or on any other communication made to the public on any subject, if the comments are confined to criticism thereof.

When truth
a defence.

261. No person shall be deemed to publish a defamatory libel where he proves that the publication of the defamatory matter in the manner in which it was published was for the public benefit at the time when it was published and that the matter itself was true.

Publication
invited or
necessary.

262. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter

(a) on the invitation or challenge of the person in respect of whom it is published, or

(b) that it is necessary to publish in order to refute defamatory matter published in respect of him by another person,

if he believes that the defamatory matter is true and it is relevant to the invitation, challenge or necessary refutation, as the case may be, and does not in any respect exceed what is reasonably sufficient in the circumstances.

Answer to
inquiries.

263. No person shall be deemed to publish a defamatory libel by reason only that he publishes, in answer to inquiries made to him, defamatory matter relating to a subject matter in respect of which the person by whom or on whose behalf the inquiries are made has an interest in knowing the truth or who, on reasonable grounds, the person who publishes the defamatory matter believes has such an interest, if

(a) the matter is published, in good faith, for the purpose of giving information in answer to the inquiries,

(b) the person who publishes the defamatory matter believes that it is true,

(c) the defamatory matter is relevant to the inquiries, and

(d) the defamatory matter does not in any respect exceed what is reasonably sufficient in the circumstances.

264. No person shall be deemed to publish a defamatory libel by reason only that he publishes to another person defamatory matter for the purpose of giving information to that person with respect to a subject matter in which the person to whom the information is given has, or is believed on reasonable grounds by the person who gives it to have, an interest in knowing the truth with respect to that subject matter if

Giving
information
to person
interested.

- (a) the conduct of the person who gives the information is reasonable in the circumstances, Conditions.
- (b) the defamatory matter is relevant to the subject matter, and
- (c) the defamatory matter is true, or if it is not true, is made without ill-will towards the person who is defamed and is made in the belief, on reasonable grounds, that it is true.

265. No person shall be deemed to publish a defamatory libel by reason only that he publishes defamatory matter in good faith for the purpose of seeking remedy or redress for a private or public wrong or grievance from a person who has, or who on reasonable grounds he believes has the right or is under an obligation to remedy or redress the wrong or grievance, if

Publication
in good faith
for redress
of wrong.

- (a) he believes that the defamatory matter is true,
- (b) the defamatory matter is relevant to the remedy or redress that is sought, and
- (c) the defamatory matter does not in any respect exceed what is reasonably sufficient in the circumstances.

266. (1) An accused who is alleged to have published a defamatory libel may, at any stage of the proceedings, adduce evidence to prove that the matter that is alleged to be defamatory was contained in a paper published by order or under the authority of the Senate or House of Commons or a legislature.

Proving
publication
by order of
legislature.

(2) Where at any stage in proceedings referred to in subsection (1) the court, judge, justice or magistrate is satisfied that matter alleged to be defamatory was contained in a paper published by order or under the authority of the Senate or House of Commons or a legislature, he shall direct a verdict of not guilty to be entered and shall discharge the accused.

Directing
verdict.

(3) For the purposes of this section a certificate under the hand of the Speaker or clerk of the Senate or House of Commons or a legislature to the effect that the matter that is alleged to be defamatory was contained in a paper published by order or under the authority of the Senate, House of Commons or legislature, as the case may be, is conclusive evidence thereof.

Certificate
of order.

VERDICTS.

Verdicts
in cases
of defama-
tory libel.

267. Where, on the trial of an indictment for publishing a defamatory libel, a plea of not guilty is pleaded, the jury that is sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon the indictment, and shall not be required or directed by the judge to find the defendant guilty merely on proof of publication by the defendant of the alleged defamatory libel, and of the sense ascribed thereto in the indictment, but the judge may, in his discretion, give a direction or opinion to the jury on the matter in issue as in other criminal proceedings, and the jury may, on the issue, find a special verdict.

PART VII.

OFFENCES AGAINST RIGHTS OF PROPERTY.

INTERPRETATION

268. In this Part,

"Break."

(a) "break" means

- (i) to break any part, internal or external, or
- (ii) to open any thing that is used or intended to be used to close or to cover an internal or external opening;

"Document."

(b) "document" means any paper, parchment or other material used for writing or printing, marked with matter capable of being read, but does not include trade-marks on articles of commerce or inscriptions on stone or metal or other like material;

"Exchequer bill."

(c) "exchequer bill" means a bank note, bond, note, debenture or security that is issued or guaranteed by Her Majesty under the authority of the Parliament of Canada or the legislature of a province;

"Exchequer bill paper."

(d) "exchequer bill paper" means paper that is used to manufacture exchequer bills;

"False document."

(e) "false document" means a document

- (i) the whole or some material part of which purports to be made by or on behalf of a person
 - (A) who did not make it or authorize it to be made, or
 - (B) who did not in fact exist;
- (ii) that is made by or on behalf of the person who purports to make it but is false in some material particular;
- (iii) that is made in the name of an existing person, by him or under his authority, with a fraudulent intention that it should pass as being made by

some person, real or fictitious, other than the person who makes it or under whose authority it is made; and

- (f) "revenue paper" means paper that is used to make stamps, licences or permits or for any purpose connected with the public revenue. "Revenue paper."

THEFT.

269. (1) Every one commits theft who fraudulently and without colour of right takes, or fraudulently and without colour of right converts to his use or to the use of another person, anything whether animate or inanimate, with intent, "Theft."

(a) to deprive, temporarily or absolutely, the owner of it or a person who has a special property or interest in it, of the thing or of his property or interest in it,

(b) to pledge it or deposit it as security,

(c) to part with it under a condition with respect to its return that the person who parts with it may be unable to perform, or

(d) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time it was taken or converted.

(2) A person commits theft when, with intent to steal anything, he moves it or causes it to move or to be moved, or begins to cause it to become movable. Time when theft completed.

(3) A taking or conversion of anything may be fraudulent notwithstanding that it is effected without secrecy or attempt at concealment. Secrecy.

(4) For the purposes of this Act the question whether anything that is converted is taken for the purpose of conversion, or whether it is, at the time it is converted, in the lawful possession of the person who converts it is not material. Purpose of taking.

(5) For the purposes of this section a person who has a wild living creature in captivity shall be deemed to have a special property or interest in it while it is in captivity and after it has escaped from captivity. Living creature wild by nature.

270. (1) Where oysters and oyster brood are in oyster beds, layings or fisheries that are the property of any person and are sufficiently marked out or known as the property of that person, he shall be deemed to have a special property or interest in them. Oysters.

(2) An indictment is sufficient if it describes an oyster bed, laying or fishery by name or in some other way, without stating that it is situated in a particular territorial division. Oyster bed.

Theft by
bailee of
things under
seizure.

271. Every one who is a bailee of anything that is under lawful seizure by a peace officer or public officer in the execution of the duties of his office, and who is obliged by law or agreement to produce and deliver it to that officer or to another person entitled thereto at a certain time and place, or upon demand, steals it if he does not produce and deliver it in accordance with his obligation, but he does not steal it if his failure to produce and deliver it is not the result of a wilful act or omission by him.

Agent
pledging
goods, when
not theft.

272. A factor or agent does not commit theft by pledging or giving a lien on goods or documents of title to goods that are entrusted to him for the purpose of sale or for any other purpose, if the pledge or lien is for an amount that does not exceed the sum of

- (a) the amount due to him from his principal at the time the goods or documents are pledged or the lien is given, and
- (b) the amount of any bill of exchange that he has accepted for or on account of his principal.

Theft of
services.

273. Every one commits theft who fraudulently or maliciously

- (a) abstracts, consumes or uses electricity or gas or causes it to be wasted or diverted, or
- (b) uses a telephone or telegraph line or obtains telephone or telegraph service.

Theft by or
from person
having special
property or
interest.

274. A person may be convicted of theft notwithstanding that anything that is alleged to have been stolen was stolen

- (a) by the owner of it from a person who has a special property or interest in it,
- (b) by a person who has a special property or interest in it from the owner of it,
- (c) by a lessee of it from his reversioner,
- (d) by one of several joint owners, tenants in common or partners of or in it from the other persons who have an interest in it, or
- (e) by the directors, officers or members of a company, body corporate, unincorporated body or of a society associated together for a lawful purpose from the company, body corporate, unincorporated body or society, as the case may be.

Husband or
wife.

275. (1) Subject to subsection (2), no husband or wife, during cohabitation, commits theft of anything that is by law the property of the other.

(2) A husband or wife commits theft who, intending to desert or on deserting the other or while living apart from the other, fraudulently takes or converts anything that is by law the property of the other in a manner that, if it were done by another person, would be theft.

Theft by spouse while living apart.

(3) Every one commits theft who, during cohabitation of a husband and wife, knowingly,

(a) assists either of them in dealing with anything that is by law the property of the other in a manner that would be theft if they were not married, or

Theft by person assisting spouse.

(b) receives from either of them anything that is by law the property of the other and has been obtained from the other by dealing with it in a manner that would be theft if they were not married.

Receiving property of spouse.

276. (1) Every one commits theft who, having received anything from any person on terms that require him to account for or pay it or the proceeds of it or a part of the proceeds to that person or another person, fraudulently fails to account for or pay it or the proceeds of it or the part of the proceeds of it accordingly.

Theft by person required to account.

(2) Where subsection (1) otherwise applies, but one of the terms is that the thing received or the proceeds or part of the proceeds of it shall be an item in a debtor and creditor account between the person who receives the thing and the person to whom he is to account for or to pay it, and that the latter shall rely only on the liability of the other as his debtor in respect thereof, a proper entry in that account of the thing received or the proceeds or part of the proceeds of it, as the case may be, is a sufficient accounting therefor, and no fraudulent conversion of the thing or the proceeds or part of the proceeds of it thereby accounted for shall be deemed to have taken place.

Effect of entry in account.

277. Every one commits theft who, being entrusted, whether solely or jointly with another person, with a power of attorney for the sale, mortgage, pledge or other disposition of real or personal property, fraudulently sells, mortgages, pledges or otherwise disposes of the property or any part of it, or fraudulently converts the proceeds of a sale, mortgage, pledge or other disposition of the property, or any part of the proceeds, to some purpose other than that for which he was entrusted by the power of attorney.

Theft by person holding power of attorney.

278. (1) Every one commits theft who, having received, either solely or jointly with another person, money or valuable security or a power of attorney for the sale of real or personal property, with a direction that the money or a part of it, or the proceeds or a part of the proceeds of the security or the property shall be applied to a purpose

Misappropriation of money held under direction.

or paid to a person specified in the direction, fraudulently and contrary to the direction applies to any other purpose or pays to any other person the money or proceeds or any part of it.

Effect of
entry in
account.

(2) This section does not apply where a person who receives anything mentioned in subsection (1) and the person from whom he receives it deal with each other on such terms that all money paid to the former would, in the absence of any such direction, be properly treated as an item in a debtor and creditor account between them, unless the direction is in writing.

Taking ore
for scientific
purpose.

279. No person commits theft by reason only that he takes, for the purpose of exploration or scientific investigation, a specimen of ore or mineral from land that is not enclosed and is not occupied or worked as a mine, quarry or digging.

Punishment
for theft.

280. Except where otherwise prescribed by law, every one who commits theft is guilty of an indictable offence and is liable

(a) to imprisonment for ten years, where the property stolen is a testamentary instrument or where the value of what is stolen exceeds fifty dollars, or

(b) to imprisonment for two years, where the value of what is stolen does not exceed fifty dollars.

OFFENCES RESEMBLING THEFT.

Taking motor
vehicle
without
consent.

281. Every one who, without the consent of the owner, takes a motor vehicle with intent to drive or use it or cause it to be driven or used is guilty of an offence punishable on summary conviction.

Criminal
breach of
trust.

282. Every one who, being a trustee of anything for the use or benefit, whether in whole or in part, of another person, or for a public or charitable purpose, converts, with intent to defraud and in violation of his trust, that thing or any part of it to a use that is not authorized by the trust is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Public
servant
refusing to
deliver
property.

283. Every one who, being or having been employed in the service of Her Majesty in right of Canada or in right of a province, or in the service of a municipality, and entrusted by virtue of that employment with the receipt, custody, management or control of anything, refuses or fails to deliver it to a person who is authorized to demand it and does demand it, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

- 284.** (1) Every one who, without the consent of the owner, Fraudulently taking cattle.
- (a) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, cattle that are found astray; or
- (b) fraudulently, in whole or in part, Defacing brand on cattle.
- (i) obliterates, alters or defaces, a brand or mark on cattle, or
- (ii) makes a false or counterfeit brand or mark on cattle,

is guilty of an indictable offence and is liable to imprisonment for five years.

(2) In any proceedings under this Act, evidence that cattle are marked with a brand or mark that is recorded or registered in accordance with any Act is *prima facie* evidence that the cattle are owned by the registered owner of that brand or mark. Evidence of property in cattle.

(3) Where an accused is charged with theft of cattle or with an offence under subsection (1), the burden of proving that the cattle came lawfully into the possession of the accused or his employee or into the possession of another person on behalf of the accused is on the accused, if the accused is not the registered owner of the brand or mark with which the cattle are marked, unless it appears that possession of the cattle by an employee of the accused or by another person on behalf of the accused was without the knowledge and authority, sanction or approval of the accused. Presumption from possession.

285. (1) Every one is guilty of an indictable offence and is liable to imprisonment for five years who, without the consent of the owner, Taking possession etc., of drift timber.

(a) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells,

(b) removes, alters, obliterates or defaces a mark or number on, or

(c) refuses to deliver up to the owner or to the person in charge thereof on behalf of the owner or to a person authorized by the owner to receive it,

any lumber or lumbering equipment that is found adrift, cast ashore or lying upon or embedded in the bed or bottom, or on the bank or beach of a river, stream or lake in Canada, or in the harbours or any of the coastal waters of Canada.

(2) Every one who, being a dealer in second-hand goods Dealer in second hand goods. of any kind, trades or traffics in or has in his possession for sale or traffic any lumbering equipment that is marked with the mark, brand, registered timber mark, name or initials of a person, without the written consent of that person, is guilty of an offence punishable on summary conviction.

(3) A peace officer who suspects, on reasonable grounds, that any lumber owned by any person and bearing the Search for timber unlawfully detained.

registered timber mark of that person is kept or detained in or on any place without the knowledge or consent of that person, may enter into or upon that place to ascertain whether or not it is detained there without the knowledge or consent of that person.

Evidence of property in timber.

(4) Where any lumber or lumbering equipment is marked with a timber mark or a boom chain brand registered under any Act, the mark or brand is *prima facie* evidence, in proceedings under subsection (1), that it is the property of the registered owner of the mark or brand.

Presumption from possession.

(5) Where an accused or his servants or agents are in possession of lumber or lumbering equipment marked with the mark, brand, registered timber mark, name or initials of another person, the burden of proving that it came lawfully into his possession or into possession of his servants or agents is, in proceedings under subsection (1), on the accused.

"Coastal waters."

(6) In this section,

(a) "coastal waters of Canada" includes all of Queen Charlotte Sound, all the Strait of Georgia and the Canadian waters of the Strait of Juan de Fuca,

"Lumber."

(b) "lumber" means timber, mast, spar, shingle bolt, sawlog or lumber of any description, and

"Lumbering equipment."

(c) "lumbering equipment" includes a boom chain, chain, line and shackle.

Destroying documents of title.

286. Every one who, for a fraudulent purpose, destroys, cancels, conceals or obliterates

(a) a document of title to goods or lands,

(b) a valuable security or testamentary instrument, or

(c) a judicial or official document,

is guilty of an indictable offence and is liable to imprisonment for ten years.

Fraudulent concealment.

287. Every one who, for a fraudulent purpose, takes, obtains, removes or conceals anything is guilty of an indictable offence and is liable to imprisonment for two years.

ROBBERY AND EXTORTION.

"Robbery."

288. Every one commits robbery who

(a) steals, and for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property,

(b) steals from any person and, at the time he steals or immediately before or immediately thereafter, wounds, beats, strikes or uses any personal violence to that person,

- (c) assaults any person with intent to steal from him, or
- (d) steals from any person while armed with an offensive weapon or imitation thereof.

289. Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life and to be whipped. Punishment for robbery

290. Every one who stops a mail conveyance with intent to rob or search it is guilty of an indictable offence and is liable to imprisonment for life. Stopping mail with intent.

291. (1) Every one who, without reasonable justification or excuse and with intent to extort or gain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or to cause anything to be done, is guilty of an indictable offence and is liable to imprisonment for fourteen years. Extortion.

(2) A threat to institute civil proceedings is not a threat for the purposes of this section. Saving.

BREAKING AND ENTERING.

292. (1) Every one who

- (a) breaks and enters a place with intent to commit an indictable offence therein; Breaking and entering with intent.
- (b) breaks and enters a place and commits an indictable offence therein; or Breaking and entering and committing.
- (c) breaks out of a place after Breaking out.
 - (i) committing an indictable offence therein, or
 - (ii) entering the place with intent to commit an indictable offence therein,

is guilty of an indictable offence and is liable

- (d) to imprisonment for life, if the offence is committed in relation to a dwelling house, or Punishment.
- (e) to imprisonment for fourteen years, if the offence is committed in relation to a place other than a dwelling house. Idem.

(2) For the purposes of proceedings under this section, evidence that an accused Presumptions

- (a) broke and entered a place is *prima facie* evidence that he broke and entered with intent to commit an indictable offence therein; or

- (b) broke out of a place is *prima facie* evidence that he broke out after

- (i) committing an indictable offence therein, or
 - (ii) entering with intent to commit an indictable offence therein.

Committing
offence when
armed.

(3) Every one who is convicted of an offence under this section who had upon his person, at the time he committed the offence or was arrested therefor, an offensive weapon or imitation thereof, is liable to be whipped in addition to any other punishment that may be imposed in respect of the offence for which he is convicted.

"Place."

(4) For the purposes of this section, "place" means

- (a) a dwelling house,
- (b) a building or structure or any part thereof, other than a dwelling house,
- (c) a railway vehicle, vessel, aircraft or trailer, or
- (d) a pen or enclosure in which fur-bearing animals are kept in captivity for breeding or commercial purposes.

Being
unlawfully in
dwelling
house.

293. (1) Every one who without lawful excuse, the proof of which lies upon him, enters or is in a dwelling house with intent to commit an indictable offence therein is guilty of an indictable offence and is liable to imprisonment for ten years.

Presumption.

(2) For the purposes of proceedings under this section, evidence that an accused, without lawful excuse, entered or was in a dwelling house is *prima facie* evidence that he entered or was in the dwelling house with intent to commit an indictable offence therein.

"Entrance."

294. For the purposes of sections 292 and 293,

- (a) a person enters as soon as any part of his body or any part of an instrument that he uses is within any thing that is being entered; and
- (b) a person shall be deemed to have broken and entered if
 - (i) he obtained entrance by a threat or artifice or by collusion with a person within, or
 - (ii) he entered without lawful justification or excuse, the proof of which lies upon him, by a permanent or temporary opening.

Possession
of house-
breaking
instruments.

295. (1) Every one who without lawful excuse, the proof of which lies upon him, has in his possession any instrument for house-breaking, vault-breaking or safe-breaking is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Disguise
with
intent

(2) Every one who, with intent to commit an indictable offence, has his face masked or coloured or is otherwise disguised is guilty of an indictable offence and is liable to imprisonment for ten years.

HAVING IN POSSESSION.

Having in
possession
property
obtained
by crime.

296. Every one commits an offence who has anything in his possession knowing that it was obtained

- (a) by the commission in Canada of an offence punishable by indictment, or

(b) by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment.

297. Every one who commits an offence under section 296 is guilty of an indictable offence and is liable Punishment.

(a) to imprisonment for ten years, where the property that comes into his possession is a testamentary instrument or where the value of what comes into his possession exceeds fifty dollars, or

(b) to imprisonment for two years, where the value of what comes into his possession does not exceed fifty dollars.

298. (1) Every one who

(a) steals

Theft
from
mail.

(i) anything sent by post, after it is deposited at a post office and before it is delivered,

(ii) a bag, sack or other container or covering in which mail is conveyed, whether it does or does not contain mail, or

(iii) a key suited to a lock adopted for use by the Canada Post Office, or

(b) has in his possession anything in respect of which he knows that an offence has been committed under paragraph (a),

is guilty of an indictable offence and is liable to imprisonment for ten years and, where the offence is committed under paragraph (a), to imprisonment for not less than six months.

(2) In proceedings for an offence under this section it is not necessary to allege in the indictment or to prove on the trial that anything in respect of which the offence was committed had any value. Allegation of value not necessary.

299. Every one who brings into or has in Canada anything that he has obtained outside of Canada by an act that, if it had been committed in Canada, would have been the offence of theft or an offence under section 296, is guilty of an indictable offence and is liable to imprisonment for ten years. Bringing into Canada property obtained by crime.

300. For the purposes of section 296 and paragraph (b) of subsection (1) of section 298, the offence of having in possession is complete when a person has, alone or jointly with another person, possession of or control over anything mentioned in those sections or when he aids in concealing or disposing of it, as the case may be. Having in possession when complete.

Evidence.

301. (1) Where an accused is charged with an offence under section 296 or paragraph (b) of subsection (1) of section 298, evidence is admissible at any stage of the proceedings to show that property other than the property that is the subject matter of the proceedings

(a) was found in the possession of the accused, and

(b) was stolen within twelve months before the proceedings were commenced,

and that evidence may be considered for the purpose of proving that the accused knew that the property forming the subject-matter of the proceedings was stolen property.

Notice to accused.

(2) Subsection (1) does not apply unless

(a) at least three days' notice in writing is given to the accused that in the proceedings it is intended to prove that property other than the property that is the subject-matter of the proceedings was found in his possession, and

(b) the notice sets out the nature or description of the property and describes the person from whom it is alleged to have been stolen.

Evidence of previous conviction.

302. (1) Where an accused is charged with an offence under section 296 or paragraph (b) of subsection (1) of section 298 and evidence is adduced that the subject matter of the proceedings was found in his possession, evidence that the accused was, within five years before the proceedings were commenced, convicted of an offence involving theft or an offence under section 296 is admissible at any stage of the proceedings and may be taken into consideration for the purpose of proving that the accused knew that the property that forms the subject matter of the proceedings was unlawfully obtained.

Notice to accused.

(2) Subsection (1) does not apply unless at least three days' notice in writing is given to the accused that in the proceedings it is intended to prove the previous conviction.

FALSE PRETENCES.

"False pretence."

303. (1) A false pretence is a representation of a matter of fact either present or past, made by words or otherwise, that is known by the person who makes it to be false and that is made with a fraudulent intent to induce the person to whom it is made to act upon it.

Exaggeration.

(2) Exaggerated commendation or depreciation of the quality of anything is not a false pretence unless it is carried to such an extent that it amounts to a fraudulent misrepresentation of fact.

Question of fact.

(3) For the purposes of subsection (2) it is a question of fact whether commendation or depreciation amounts to a fraudulent misrepresentation of fact.

304. (1) Every one commits an offence who

(a) by a false pretence, whether directly or through the medium of a contract obtained by a false pretence, obtains anything in respect of which the offence of theft may be committed or causes it to be delivered to another person; Obtaining by false pretence.

(b) obtains credit by a false pretence or by fraud; Obtaining credit by false pretence.

(c) knowingly makes or causes to be made, directly or indirectly, a false statement in writing with intent that it should be relied upon, with respect to the financial condition or means or ability to pay of himself or any person, firm or corporation that he is interested in or that he acts for, for the purpose of procuring, in any form whatsoever, whether for his benefit or the benefit of that person, firm or corporation, False statement in writing.

(i) the delivery of personal property,

(ii) the payment of money,

(iii) the making of a loan,

(iv) the extension of credit,

(v) the discount of an account receivable, or

(vi) the making, accepting, discounting or endorsing of a bill of exchange, cheque, draft, or promissory note; or

(d) knowing that a false statement in writing has been made with respect to the financial condition or means or ability to pay of himself or another person, firm or corporation that he is interested in or that he acts for, procures upon the faith of that statement, whether for his benefit or for the benefit of that person, firm or corporation, anything mentioned in subparagraphs (i) to (vi) of paragraph (c). Idem.

(2) Every one who commits an offence under paragraph Punishment.

(a) of subsection (1) is guilty of an indictable offence and is liable

(a) to imprisonment for ten years, where the property obtained is a testamentary instrument or where the value of what is obtained exceeds fifty dollars; or

(b) to imprisonment for two years, where the value of what is obtained does not exceed fifty dollars.

(3) Every one who commits an offence under paragraph (b), (c) or (d) of subsection (1) is guilty of an indictable offence and is liable to imprisonment for ten years. Punishment.

(4) Where, in proceedings under paragraph (a) of subsection (1), it is shown that anything was obtained by the accused by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or insufficient funds were on deposit to the credit of the accused in the bank on which the cheque was drawn, it shall be presumed to have been obtained by a false pretence, unless the court is satisfied by evidence Presumption from cheque issued without funds.

that when the accused issued the cheque he had reasonable grounds to believe that it would be honoured if presented for payment within a reasonable time after it was issued.

Obtaining execution of valuable security by fraud.

305. Every one who, with intent to defraud or injure another person, by a false pretence causes or induces any person

(a) to execute, make, accept, endorse or destroy the whole or any part of a valuable security, or

(b) to write, impress or affix a name or seal on any paper or parchment in order that it may afterwards be made or converted into or used or dealt with as a valuable security,

is guilty of an indictable offence and is liable to imprisonment for five years.

Publication of false advertisements.

306. (1) Every one who publishes or causes to be published an advertisement containing a statement that purports to be a statement of fact but that is untrue, deceptive or misleading or is intentionally so worded or arranged that it is deceptive or misleading, is guilty of an indictable offence and is liable to imprisonment for five years, if the advertisement is published

(a) to promote, directly or indirectly, the sale or disposal of property or any interest therein, or

(b) to promote a business or commercial interest.

Publication of statement without proper test.

(2) Every one who publishes or causes to be published in an advertisement a statement or guarantee of the performance, efficacy or length of life of anything that is not based upon an adequate and proper test of that thing, the proof of which lies upon the accused, is, if the advertisement is published to promote, directly or indirectly, the sale or disposal of that thing, guilty of an offence punishable on summary conviction.

Saving.

(3) Subsections (1) and (2) do not apply to a person who publishes an advertisement that he accepts in good faith for publication in the ordinary course of his business.

What is proper test.

(4) For the purposes of subsection (2), a test that is made by the National Research Council of Canada or by any other public department is an adequate and proper test, but no reference shall be made in an advertisement to indicate that a test has been made by the National Research Council or other public department unless the advertisement has, before publication, been approved and permission to publish it has been given in writing by the president of the National Research Council or by the deputy head of the public department, as the case may be.

Idem.

(5) Nothing in subsection (4) shall be deemed to exclude, for the purposes of this section, any other adequate or proper test.

307. (1) Every one who fraudulently obtains food, lodging or other accommodation at an hotel or inn or at a lodging, boarding or eating house is guilty of an offence punishable on summary conviction. Fraudulently obtaining food and lodging.

(2) In proceedings under this section, evidence that an accused obtained food, lodging or other accommodation at an hotel or inn or at a lodging, boarding or eating house, and did not pay for it and Presumption.

- (a) made a false or fictitious show or pretence of having baggage,
 - (b) had any false or pretended baggage,
 - (c) surreptitiously removed or attempted to remove his baggage or any material part of it,
 - (d) absconded or surreptitiously left the premises,
 - (e) knowingly made a false statement to obtain credit or time for payment, or
 - (f) offered a worthless cheque, draft or security in payment for his food, lodging or other accommodation,
- is *prima facie* evidence of fraud.

308. Every one who fraudulently

- (a) pretends to exercise or to use any kind of witchcraft, sorcery, enchantment or conjuration, Pretending to practise witchcraft, etc.
 - (b) undertakes, for a consideration, to tell fortunes, or
 - (c) pretends from his skill in or knowledge of an occult or crafty science to discover where or in what manner anything that is supposed to have been stolen or lost may be found,
- is guilty of an offence punishable on summary conviction.

FORGERY AND OFFENCES RESEMBLING FORGERY.

309. (1) Every one commits forgery who makes a "Forgery." false document, knowing it to be false, with intent

- (a) that it should in any way be used or acted upon as genuine, to the prejudice of any one whether within Canada or not, or
- (b) that some person should be induced, by the belief that it is genuine, to do or to refrain from doing anything, whether within Canada or not.

(2) Making a false document includes

- (a) altering a genuine document in any material part, Making false document.
- (b) making a material addition to a genuine document or adding to it a false date, attestation, seal or other thing that is material, or
- (c) making a material alteration in a genuine document by erasure, obliteration, removal or in any other way.

(3) Forgery is complete as soon as a document is made with the knowledge and intent referred to in subsection (1), notwithstanding that the person who makes it does not When forgery complete.

intend that any particular person should use or act upon it as genuine or be induced, by the belief that it is genuine, to do or refrain from doing anything.

Forgery
complete
though
document
incomplete.

(4) Forgery is complete notwithstanding that the false document is incomplete or does not purport to be a document that is binding in law, if it is such as to indicate that it was intended to be acted upon as genuine.

Punishment
for forgery.

310. (1) Every one who commits forgery is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Corrobor-
ation.

(2) No person shall be convicted of an offence under this section upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Uttering
forged
document.

311. (1) Every one who, knowing that a document is forged,

(a) uses, deals with, or acts upon it, or

(b) causes or attempts to cause any person to use, deal with, or act upon it,

as if the document were genuine, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Wherever
forged.

(2) For the purposes of proceedings under this section, the place where a document was forged is not material.

Exchequer
bill paper.

312. Every one who, without lawful authority or excuse, the proof of which lies upon him,

Making, etc.

(a) makes, uses or knowingly has in his possession

(i) any exchequer bill paper, revenue paper, or paper that is used to make bank notes, or

(ii) any paper that is intended to resemble paper mentioned in subparagraph (i);

Instruments.

(b) makes, offers or disposes of or knowingly has in his possession any plate, die, machinery, instrument or other writing or material that is adapted and intended to be used to commit forgery; or

Counterfeit-
ing public
seals.

(c) makes, reproduces or uses a public seal of Canada or of a province, or the seal of a public body or authority in Canada, or of a court of law,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Printing
counterfeit
proclamation.

313. Every one who knowingly

(a) prints a proclamation, order, regulation or appointment, or notice thereof, and causes it falsely to purport to have been printed by the Queen's Printer for Canada, or the Queen's Printer for a province, or

Tendering in
evidence.

(b) tenders in evidence a copy of a proclamation, order, regulation or appointment that falsely purports to

have been printed by the Queen's Printer for Canada or the Queen's Printer for a province, is guilty of an indictable offence and is liable to imprisonment for five years.

314. Every one who, with intent to defraud, causes or procures a telegram, cablegram or radio message to be sent or delivered as being sent by the authority of another person, knowing that it is not sent by his authority and with intent that the message should be acted on as being sent by his authority, is guilty of an indictable offence and is liable to imprisonment for five years.

Telegram,
etc., in false
name.

315. Every one who, with intent to injure or alarm any person sends or causes or procures to be sent by telegram, letter, radio, cable or otherwise a message that contains matter that he knows is false is guilty of an indictable offence and is liable to imprisonment for two years.

False
messages.

316. (1) Every one commits an offence who sends, delivers, utters or directly or indirectly causes any person to receive

Threatening
letters.

(a) a letter or writing that he knows contains a threat to cause death or injury to any person; or

(b) a letter or writing that he knows contains a threat

(i) to burn, destroy or damage real or personal property, or

(ii) to kill, maim, wound, poison or injure an animal or bird that is the property of any person.

(2) Every one who commits an offence under paragraph (a) of subsection (1) is guilty of an indictable offence and is liable to imprisonment for ten years.

Punishment.

(3) Every one who commits an offence under paragraph (b) of subsection (1) is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

317. Every one who

(a) with intent to defraud and without lawful authority makes, executes, draws, signs, accepts or endorses a document in the name or on the account of another person by procuration or otherwise, or

Drawing
document
without
authority.

(b) makes use of or utters a document knowing that it has been made, executed, signed, accepted or endorsed with intent to defraud and without lawful authority, in the name or on the account of another person, by procuration or otherwise,

Uttering.

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Obtaining,
etc., by
instrument
based on
forged
document

318. Every one who demands, receives, or obtains anything, or causes or procures anything to be delivered or paid to any person under, upon, or by virtue of any instrument issued under the authority of law, knowing that it is based on a forged document, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Counterfeit
ing stamp

Using.

Possessing.

319. (1) Every one who

(a) fraudulently uses, mutilates, affixes, removes or counterfeits a stamp or part thereof;

(b) knowingly and without lawful excuse, the proof of which lies upon him, has in his possession

(i) a counterfeit stamp or a stamp that has been fraudulently mutilated, or

(ii) anything bearing a stamp of which a part has been fraudulently erased, removed or concealed; or

(c) without lawful excuse, the proof of which lies upon him, makes or knowingly has in his possession a die or instrument that is capable of making the impression of a stamp or part thereof,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Instruments
for counter-
feiting
stamps.

Counter-
feiting mark.
Selling

(2) Every one who, without lawful authority,

(a) makes a mark,

(b) sells, or exposes for sale, or has in his possession a counterfeit mark, or

Affixing false
mark.

(c) affixes a mark to anything that is required by law to be marked, branded, sealed or wrapped other than the thing to which the mark was originally affixed or was intended to be affixed, or

Affixing
counterfeit
mark.

(d) affixes a counterfeit mark to anything that is required by law to be marked, branded, sealed or wrapped,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

(3) In this section,

"Mark.:"

(a) "mark" means a mark, brand, seal, wrapper or design used by or on behalf of

(i) the Government of Canada or of a province,

(ii) the government of a state other than Canada,
or

(iii) a department, board, commission or agent established by a government mentioned in subparagraph (i) or (ii) in connection with the service or business of that government; and

"Stamp."

(b) "stamp" means an impressed or adhesive stamp used for the purpose of revenue by the Government of Canada or of a province or by the government of a state other than Canada.

320. (1) Every one who unlawfullyInjuring
documents.

(a) destroys, defaces or injures a register, or any part of a register of births, baptisms, marriages, deaths or burials that is required or authorized by law to be kept in Canada, or a copy or any part of a copy of such a register that is required by law to be transmitted to a registrar or other officer,

(b) inserts or causes to be inserted in a register or copy referred to in paragraph (a) an entry, that he knows is false, of any matter relating to a birth, baptism, marriage, death or burial, or erases any material part from such a register or copy,

(c) destroys, damages or obliterates an election document or causes an election document to be destroyed, damaged or obliterated, or

(d) makes or causes to be made an erasure, alteration or interlineation in or upon an election document,

is guilty of an indictable offence and is liable to imprisonment for five years.

(2) In this section, "election document" means any document or writing issued under the authority of an Act of the Parliament of Canada or of a legislature with respect to an election held pursuant to the authority of any such Act. "Election document"

321. Every one whoFalse copy
from register.

(a) being authorized or required by law to make or issue a certified copy of, extract from or certificate in respect of a register, record or document, knowingly makes or issues a false certified copy, extract or certificate,

(b) not being authorized or required by law to make or issue a certified copy of, extract from or certificate in respect of a register, record or document, fraudulently makes or issues a copy, extract or certificate that purports to be certified as authorized or required by law, or

Fraudulent
copy by
person not
authorized.

(c) being authorized or required by law to make a certificate or declaration concerning any particular required for the purpose of making entries in a register, record or document, knowingly and falsely makes the certificate or declaration,

Giving false
particulars.

is guilty of an indictable offence and is liable to imprisonment for five years.

PART VIII.

FRAUDULENT TRANSACTIONS RELATING TO
CONTRACTS AND TRADE.

INTERPRETATION.

322. In this Part,

"Goods."

(a) "goods" means anything that is the subject of trade or commerce; and

"Trading stamps."

(b) "trading stamps" includes any form of cash receipt, receipt, coupon, premium ticket or other device, designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or a premium to the purchaser thereof

(i) that may be redeemed

(A) by any person other than the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods,

(B) by the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods in cash or in goods that are not his property in whole or in part, or

(C) by the vendor elsewhere than in the premises where the goods are purchased; or

(ii) that does not show upon its face the place where it is delivered and the merchantable value thereof; or

(iii) that may not be redeemed upon demand at any time,

but an offer, endorsed by the manufacturer upon a wrapper or container in which goods are sold, of a premium or reward for the return of that wrapper or container to the manufacturer is not a trading stamp.

FRAUD.

Fraud.

323. (1) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security, is guilty of an indictable offence and is liable to imprisonment for ten years.

Affecting public market.

(2) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, with intent to defraud, affects the public market price of stocks, shares, merchandise or anything that is offered for sale to the public, is guilty of an indictable offence and is liable to imprisonment for ten years.

324. Every one who makes use of the mails for the purpose of transmitting or delivering letters or circulars concerning schemes devised or intended to deceive or defraud the public, or for the purpose of obtaining money under false pretences, is guilty of an indictable offence and is liable to imprisonment for two years. Using mails to defraud

325. Every one who, through the facility of a stock exchange, curb market or other market, with intent to create a false or misleading appearance of active public trading in a security or with intent to create a false or misleading appearance with respect to the market price of a security, Fraudulent manipulation of stock exchange transactions.

(a) effects a transaction in the security that involves no change in the beneficial ownership thereof,

(b) enters an order for the purchase of the security, knowing that an order of substantially the same size at substantially the same time and at substantially the same price for the sale of the security has been or will be entered by or for the same or different persons, or

(c) enters an order for the sale of the security, knowing that an order of substantially the same size at substantially the same time and at substantially the same price for the purchase of the security has been or will be entered by or for the same or different persons,

is guilty of an indictable offence and is liable to imprisonment for five years.

326. (1) Every one is guilty of an indictable offence and is liable to imprisonment for five years who, with intent to make gain or profit by the rise or fall in price of the stock of an incorporated or unincorporated company or undertaking, whether in or out of Canada, or of any goods, wares, or merchandise, Gaming in stocks or merchandise.

(a) makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the purchase or sale of shares of stock or goods, wares or merchandise, without the *bona fide* intention of acquiring the shares, goods, wares or merchandise or of selling them, as the case may be; or Making contract without intention to acquire or sell.

(b) makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of shares of stock or goods, wares or merchandise in respect of which no delivery of the thing sold or purchased is made or received, and without the *bona fide* intention of making or receiving delivery thereof, as the case may be. Contract without delivery or intention to receive.

Saving.

but this section does not apply where a broker, on behalf of a purchaser, receives delivery, notwithstanding that the broker retains or pledges what is delivered as security for the advance of the purchase money or any part thereof.

Onus.

(2) Where, in proceedings under this section, it is established that the accused made or signed a contract or agreement for the sale or purchase of shares of stock or goods, wares or merchandise, or acted, aided or abetted in the making or signing thereof, the burden of proof of a *bona fide* intention to acquire or to sell the shares, goods, wares or merchandise or to deliver or to receive delivery thereof, as the case may be, lies upon the accused.

Broker
reducing
stock by
selling for
his own
account.

327. Every one is guilty of an indictable offence and is liable to imprisonment for five years who, being an individual, or a member or employee of a partnership, or a director, officer or employee of a corporation, where he or the partnership, or corporation is employed as a broker by any customer to buy and carry upon margin any shares of an incorporated or unincorporated company or undertaking, whether in or out of Canada, thereafter sells or causes to be sold shares of the company or undertaking for any account in which

(a) he or his firm or a partner thereof, or

(b) the corporation or a director thereof, has a direct or indirect interest, if the effect of the sale is, otherwise than unintentionally, to reduce the amount of such shares in the hands of the broker or under his control in the ordinary course of business below the amount of such shares that the broker should be carrying for all customers.

Fraudulent
concealment.

328. (1) Every one who, being a vendor or mortgagor of property or of a chose in action or being a solicitor for or agent of a vendor or mortgagor of property or a chose in action, is served with a written demand for an abstract of title by or on behalf of the purchaser or mortgagee before the completion of the purchase or mortgage, and who

Of document
of title.

(a) with intent to defraud and for the purpose of inducing the purchaser or mortgagee to accept the title offered or produced to him, conceals from him any settlement, deed, will or other instrument material to the title, or any encumbrance on the title, or

Falsifying
pedigree.

(b) falsifies any pedigree upon which the title depends, is guilty of an indictable offence and is liable to imprisonment for two years.

Consent
required.

(2) No proceedings shall be instituted under this section without the consent of the Attorney General.

329. Every one who, as principal or agent, in a proceeding to register title to real property, or in a transaction relating to real property that is or is proposed to be registered, knowingly and with intent to deceive, Fraudulent registration of title.

- (a) makes a material false statement or representation,
- (b) suppresses or conceals from a judge or registrar or any person employed by or assisting the registrar, any material document, fact, matter or information, or
- (c) is privy to anything mentioned in paragraph (a) or (b),

is guilty of an indictable offence and is liable to imprisonment for five years.

330. Every one who, knowing of an unregistered prior sale or of an existing unregistered grant, mortgage, hypothec, privilege or encumbrance of or upon real property, fraudulently sells the property or any part thereof is guilty of an indictable offence and is liable to imprisonment for two years. Fraudulent sale of real property.

331. Every one who wilfully

- (a) with intent to mislead, injure or defraud any person, whether or not that person is known to him, gives to a person anything in writing that purports to be a receipt for or an acknowledgment of property that has been delivered to or received by him, before the property referred to in the purported receipt or acknowledgment has been delivered to or received by him, or Receipt intended to mislead.

(b) accepts, transmits or uses a purported receipt or acknowledgment to which paragraph (a) applies, Using receipt.
is guilty of an indictable offence and is liable to imprisonment for two years.

332. (1) Every one who

- (a) having shipped or delivered to the keeper of a warehouse or to a factor, agent or carrier, anything upon which the consignee thereof has advanced money or has given valuable security, thereafter, with intent to deceive, defraud or injure the consignee, disposes of it in a manner that is different from and inconsistent with any agreement that has been made in that behalf between him and the consignee, or Fraudulent disposal of goods on which money advanced.

- (b) knowingly and wilfully aids or assists any person to make a disposition of anything to which paragraph (a) applies for the purpose of deceiving, defrauding or injuring the consignee, Aiding such disposal.

is guilty of an indictable offence and is liable to imprisonment for two years.

(2) No person is guilty of an offence under this section where, before disposing of anything in a manner that is different from and inconsistent with any agreement that Saving.

has been made in that behalf between him and the consignee, he pays or tenders to the consignee the full amount of money or valuable security that the consignee has advanced.

Fraudulent
receipts
under
Bank Act.

333. Every one is guilty of an indictable offence and is liable to imprisonment for two years who

(a) wilfully makes a false statement in a receipt, certificate or acknowledgment for anything that may be used for a purpose mentioned in the *Bank Act*; or

(b) wilfully,

(i) after giving to another person,

(ii) after a person employed by him has, to his knowledge, given to another person, or

(iii) after obtaining and endorsing or assigning to another person,

a receipt, certificate or acknowledgment for anything that may be used for a purpose mentioned in the *Bank Act*, without the consent in writing of the holder or endorsee or the production and delivery of the receipt, certificate or acknowledgment, alienates or parts with, or does not deliver to the holder or owner the property mentioned in the receipt, certificate or acknowledgment.

Saving.

334. Where an offence is committed under section 331, 332 or 333 by a person who acts in the name of a corporation, firm or partnership, no person other than the person who does the act by means of which the offence is committed or who is secretly privy to the doing of that act is guilty of the offence.

335. Every one who,

(a) with intent to defraud his creditors,

(i) makes or causes to be made a gift, conveyance, assignment, sale, transfer or delivery of his property, or

(ii) removes, conceals or disposes of any of his property; or

(b) with intent that any one should defraud his creditors, receives any property by means of or in relation to which an offence has been committed under paragraph (a),

is guilty of an indictable offence and is liable to imprisonment for two years.

Disposal of
property to
defraud
creditors.

Receiving.

Fraud in
relation to
fares, etc.

336. (1) Every one whose duty it is to collect a fare, toll, ticket or admission who wilfully

(a) fails to collect it,

(b) collects less than the proper amount payable in respect thereof, or

(c) accepts any valuable consideration for failing to collect it or for collecting less than the proper amount payable in respect thereof,

is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Every one who gives or offers to a person whose duty it is to collect a fare, toll, ticket or admission fee, any valuable consideration

(a) for failing to collect it, or

(b) for collecting an amount less than the amount payable in respect thereof,

is guilty of an indictable offence and is liable to imprisonment for two years.

(3) Every one who, by any false pretence or fraud, unlawfully obtains transportation by land, water or air is guilty of an offence punishable on summary conviction.

Idem.

Fraudulently obtain transportation.

337. (1) Every one is guilty of an indictable offence and is liable to imprisonment for five years who

Fraud by holder of mining lease.

(a) being the holder of a lease or licence issued

(i) under an Act relating to the mining of precious metals, or

(ii) by the owner of land that is supposed to contain precious metals,

by a fraudulent device or contrivance defrauds or attempts to defraud any person of any precious metals or money payable or reserved by the lease or licence, or fraudulently conceals or makes a false statement with respect to the amount of precious metals procured by him;

(b) sells or purchases any rock, mineral, or other substance that contains precious metals or unsmelted, untreated, unmanufactured, or partly smelted, partly treated or partly manufactured precious metals, unless he establishes that he is the owner or agent of the owner or is acting under lawful authority; or

Unlawful sale of substance containing precious metals.

(c) has in his possession or knowingly has upon his premises

Unlawful possession.

(i) any rock or mineral of a value of twenty-five cents per pound or more,

(ii) any mica of a value of seven cents per pound or more, or

(iii) any precious metals,

that there is reasonable ground to believe have been stolen or have been dealt with contrary to this section, unless he establishes that he is lawfully in possession thereof.

(2) Where a person is convicted of an offence under this section, the court may order anything by means of or in relation to which the offence was committed, upon such conviction, to be forfeited to Her Majesty in right of the province in which the proceedings take place.

Seizure and forfeiture.

Search for
precious
metals.

338. (1) Where an information in writing is laid under oath before a justice by any person having an interest in a mining claim, that any precious metals or rock, mineral or other substance containing precious metals is unlawfully deposited in any place or held by any person contrary to law, the justice may issue a warrant to search any of the places or persons mentioned in the information.

Power
to seize.

(2) Where, upon search, anything mentioned in subsection (1) is found, it shall be seized and carried before the justice who shall order

(a) that it be detained for the purposes of an inquiry or trial, or

(b) if it is not detained for the purposes of an inquiry or trial,

(i) that it be restored to the owner, or

(ii) that it be forfeited to Her Majesty in right of the province in which the proceedings take place if the owner cannot be ascertained.

Appeal.

(3) An appeal lies from an order made under paragraph (b) of subsection (2) in the manner in which an appeal lies in summary conviction proceedings under Part XXIV and the provisions of that Part relating to appeals apply to appeals under this subsection.

Salting
mine.

339. (1) Every one who

(a) adds anything to or removes anything from an existing or prospective mine, mining claim or oil well with a fraudulent intent to affect the result of an assay, test or valuation that has been made or is to be made with respect to the mine, mining claim or oil well, or

Salting
sample

(b) adds anything to, removes anything from or tampers with a sample or material that has been taken or is being or is about to be taken from an existing or prospective mine, mining claim or oil well for the purpose of being assayed, tested or otherwise valued, with a fraudulent intent to affect the result of the assay, test or valuation,

is guilty of an indictable offence and is liable to imprisonment for ten years.

Presumption

(2) For the purposes of proceedings under subsection (1), evidence that

(a) something has been added to or removed from anything to which subsection (1) applies, or

(b) anything to which subsection (1) applies has been tampered with,

is *prima facie* evidence of a fraudulent intent to affect the result of an assay, test or valuation.

FALSIFICATION OF BOOKS AND DOCUMENTS.

340. (1) Every one who, with intent to defraud,

(a) destroys, mutilates, alters, falsifies, or makes a false entry in, or By destruction, etc.

(b) omits a material particular from, or alters a material particular in,

a book, paper, writing, valuable security or document is guilty of an indictable offence and is liable to imprisonment for five years.

(2) Every one who, with intent to defraud his creditors, is privy to the commission of an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for five years. To defraud creditors.

341. Every one who, with intent to deceive, falsifies an employment record by any means, including the punching of a time clock, is guilty of an offence punishable on summary conviction. False employment record. Time clock.

342. Every one who, being entrusted with the receipt, custody or management of any part of the public revenues, knowingly furnishes a false statement or return of False return by public officer.

(a) any sum of money collected by him or entrusted to his care, or

(b) any balance of money in his hands or under his control,

is guilty of an indictable offence and is liable to imprisonment for five years.

343. (1) Every one who makes, circulates or publishes a prospectus, statement or account, whether written or oral, that he knows is false in a material particular, with intent False prospectus etc.

(a) to induce persons, whether ascertained or not, to become shareholders or partners in a company,

(b) to deceive or defraud the members, shareholders or creditors, whether ascertained or not, of a company,

(c) to induce any person to entrust or advance anything to a company, or

(d) to enter into any security for the benefit of a company, is guilty of an indictable offence and is liable to imprisonment for ten years.

(2) In this section, "company" means a syndicate, body corporate or company, whether existing or proposed to be created. "Company."

344. (1) Every one who, by means of a false or misleading representation, knowingly obtains or attempts to obtain the carriage of anything by any person into a Obtaining carriage by false billing.

country, province, district or other place, whether or not within Canada, where the importation or transportation of it is, in the circumstances of the case, unlawful is guilty of an offence punishable on summary conviction.

Forfeiture.

(2) Where a person is convicted of an offence under subsection (1), anything by means of or in relation to which the offence was committed, upon such conviction, in addition to any punishment that is imposed, is forfeited to Her Majesty and shall be disposed of as the court may direct.

Trader
failing to
keep
accounts.

345. (1) Every one who, being a trader or in business,
(a) is indebted in an amount exceeding one thousand dollars,
(b) is unable to pay his creditors in full, and
(c) has not kept books of account that, in the ordinary course of the trade or business in which he is engaged, are necessary to exhibit or explain his transactions, is guilty of an indictable offence and is liable to imprisonment for two years.

Saving.

(2) No person shall be convicted of an offence under this section
(a) where, to the satisfaction of the court or judge, he
(i) accounts for his losses, and
(ii) shows that his failure to keep books was not intended to defraud his creditors; or
(b) where his failure to keep books occurred at a time more than five years prior to the day on which he was unable to pay his creditors in full.

PERSONATION.

Personation
with intent.

346. Every one who fraudulently personates any person, living or dead,

(a) with intent to gain advantage for himself or another person,
(b) with intent to obtain any property or an interest in any property, or
(c) with intent to cause disadvantage to the person whom he personates or another person, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Personation
at
examination.

347. Every one who falsely, with intent to gain advantage for himself or some other person, personates a candidate at a competitive or qualifying examination held under the authority of law or in connection with a university, college or school or who knowingly avails himself of the results of such personation is guilty of an offence punishable on summary conviction.

348. Every one who, without lawful authority or excuse, the proof of which lies upon him, acknowledges in the name of another person before a court or a judge or other person authorized to receive the acknowledgment, a recognizance of bail, a confession of judgment, a consent to judgment or a judgment, deed or other instrument, is guilty of an indictable offence and is liable to imprisonment for five years.

Acknowledg-
ing
instrument in
false name.

FORGERY OF TRADE MARKS AND TRADE DESCRIPTIONS.

349. For the purposes of this Part, every one forges a trade mark who

- (a) without the consent of the proprietor of the trade mark, makes or reproduces in any manner that trade mark or a mark so nearly resembling it as to be calculated to deceive, or
 - (b) falsifies, in any manner, a genuine trade mark.
- Simulating
trade mark

Falsifying
trade mark.

350. Every one commits an offence who, with intent to deceive or defraud the public or any person, whether ascertained or not, forges a trade mark.

Forging
trade mark.

351. Every one commits an offence who, with intent to deceive or defraud the public or any person, whether ascertained or not,

Passing
off.

- (a) passes off other wares or services as and for those ordered or required, or
- (b) makes use, in association with wares or services, of any description that is false in a material respect as to
 - (i) the kind, quality, quantity or composition,
 - (ii) the geographical origin, or
 - (iii) the mode of the manufacture, production or performance
 of such wares or services.

352. (1) Every one commits an offence who makes, has in his possession or disposes of a die, block, machine or other instrument, designed or intended to be used in forging a trade mark.

Instruments
for forging
trade mark.

(2) No person shall be convicted of an offence under this section where he proves that he acted in good faith in the ordinary course of his business or employment.

Saving.

353. Every one commits an offence who, with intent to deceive or defraud,

- (a) defaces, conceals or removes a trade mark or the name of another person from anything without the consent of that other person, or
 - (b) being a manufacturer, dealer, trader or bottler fills any bottle or siphon that bears the trade mark or name of another person, without the consent of that other
- Defacing
trade
mark.

Using
bottles
bearing
trade mark
of another.

person, with a beverage, milk, by-product of milk or other liquid commodity for the purpose of sale or traffic.

Used goods
sold without
disclosure.

354. Every one commits an offence who sells, exposes or has in his possession for sale, or advertises for sale, goods that have been used, reconditioned or remade and that bear the trade mark or the trade name of another person, without making full disclosure that the goods have been reconditioned, rebuilt or remade for sale and that they are not then in the condition in which they were originally made or produced.

Punishment.

355. (1) Every one who commits an offence under section 350, 351, 352, 353 or 354 is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Forfeiture.

(2) Anything by means of or in relation to which a person commits an offence under section 350, 351, 352, 353 or 354 is, unless the court otherwise orders, forfeited upon the conviction of that person for that offence.

Falsely
claiming
Royal
Warrant.

356. Every one who falsely represents that goods are made by a person holding a royal warrant, or for the service of Her Majesty, a member of the Royal Family or a public department is guilty of an offence punishable on summary conviction.

Presumption
from port
of shipment.

357. Where, in proceedings under this Part, the alleged offence relates to imported goods, evidence that the goods were shipped to Canada from a place outside of Canada is *prima facie* evidence that the goods were made or produced in the country from which they were shipped.

WRECK.

358. Every one who

Secreting
wreck.

(a) secretes wreck, or defaces or obliterates the marks on wreck, or uses any means to disguise or conceal the fact that anything is wreck, or in any manner conceals the character of wreck, from a person who is entitled to inquire into the wreck,

Receiving
wreck.

(b) receives wreck, knowing that it is wreck, from a person other than the owner thereof or a receiver of wreck, and does not within forty-eight hours thereafter inform the receiver of wreck thereof,

Offering
wreck for
sale.

(c) offers wreck for sale or otherwise deals with it, knowing that it is wreck, and not having a lawful authority to sell or deal with it,

- (d) keeps wreck in his possession knowing that it is wreck, without lawful authority to keep it, for any time longer than the time reasonably necessary to deliver it to the receiver of wreck, or Keeping wreck.
- (e) boards, against the will of the master, a vessel that is wrecked, stranded or in distress unless he is a receiver of wreck or a person acting under orders of a receiver of wreck, Boarding wrecked vessel.
- is guilty of
- (f) an indictable offence and is liable to imprisonment for two years, or
- (g) an offence punishable on summary conviction.

PUBLIC STORES.

359. The Governor-in-Council may, by notice to be published in the *Canada Gazette*, prescribe distinguishing marks that are appropriated for use on public stores to denote the property of Her Majesty therein, whether the stores belong to Her Majesty in right of Canada or to Her Majesty in any other right. Distinguishing mark on public stores.

360. (1) Every one who,

- (a) without lawful authority, the proof of which lies upon him, applies a distinguishing mark to anything, or Applying or removing marks without authority.
- (b) with intent to conceal the property of Her Majesty in public stores, removes, destroys or obliterates, in whole or in part, a distinguishing mark, Unlawful transactions in public stores.
- is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Every one who, without lawful authority, the proof of which lies upon him, receives, possesses, keeps, sells or delivers public stores that he knows bear a distinguishing mark is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

(3) For the purposes of this section, "distinguishing mark" means a distinguishing mark that is appropriated for use on public stores pursuant to section 359. "Distinguishing mark."

361. (1) Every one who knowingly sells or delivers defective stores to Her Majesty or commits fraud in connection with the sale, lease or delivery of stores to Her Majesty or the manufacture of stores for Her Majesty is guilty of an indictable offence and is liable to imprisonment for fourteen years. Selling defective stores to Her Majesty.

Offences by
officers and
employees of
corporations.

(2) Every one who, being a director, officer, agent or employee of a corporation that commits, by fraud, an offence under subsection (1),

(a) knowingly takes part in the fraud, or

(b) knows or has reason to suspect that the fraud is being committed or has been or is about to be committed and does not inform the responsible government, or a department thereof, of Her Majesty,
is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Unlawful use
of military
uniforms or
certificates.

362. Every one who without lawful authority, the proof of which lies upon him,

(a) wears a uniform of the Canadian Forces or any other naval, army or air force or a uniform that is so similar to the uniform of any of those forces that it is likely to be mistaken therefor,

(b) wears a distinctive mark relating to wounds received or service performed in war, or a military medal, ribbon, badge, chevron or any decoration or order that is awarded for war services, or any imitation thereof, or any mark or device or thing that is likely to be mistaken for any such mark, medal, ribbon, badge, chevron, decoration or order,

(c) has in his possession a certificate of discharge, certificate of release, statement of service or identity card from the Canadian Forces or any other naval, army or air force that has not been issued to and does not belong to him, or

(d) has in his possession a commission or warrant or a certificate of discharge, certificate of release, statement of service or identity card issued to an officer or person in or who has been in the Canadian Forces or any other naval, army or air force, that contains any alteration that is not verified by the initials of the officer who issued it, or by the initials of some officer thereto lawfully authorized,

is guilty of an offence punishable on summary conviction.

Military
stores.

363. (1) Every one who buys, receives or detains from a member of the Canadian Forces or a deserter or absentee without leave from those forces any military stores that are owned by Her Majesty or for which the member, deserter or absentee without leave is accountable to Her Majesty is guilty of

(a) an indictable offence and is liable to imprisonment for five years, or

(b) an offence punishable on summary conviction.

(2) No person shall be convicted of an offence under this section where he establishes that he did not know and had no reason to suspect that the military stores in respect of which the offence was committed were owned by Her Majesty or were military stores for which the member, deserter or absentee without leave was accountable to Her Majesty. Exception.

364. (1) In proceedings under sections 360 to 363, evidence that a person was at any time performing duties in the Canadian Forces is *prima facie* evidence that his enrolment in the Canadian Forces prior to that time was regular. Evidence of enlistment.

(2) An accused who is charged with an offence under subsection (2) of section 360 shall be presumed to have known that the stores in respect of which the offence is alleged to have been committed bore a distinguishing mark within the meaning of that subsection at the time the offence is alleged to have been committed if he was, at that time, in the service or employment of Her Majesty or was a dealer in marine stores or in old metals. Presumption when accused a dealer in stores.

BREACH OF CONTRACT, INTIMIDATION AND DISCRIMINATION AGAINST TRADE UNIONISTS.

365. (1) Every one who wilfully breaks a contract, knowing or having reasonable cause to believe that the probable consequences of doing so, whether alone or in combination with others, will be Criminal breach of contract.

(a) to endanger human life,

(b) to cause serious bodily injury,

(c) to expose valuable property, real or personal, to destruction or serious injury,

(d) to deprive the inhabitants of a city or place, or part thereof, wholly or to a great extent, of their supply of light, power, gas or water, or

(e) to delay or prevent the running of a locomotive engine, tender, freight or passenger train or car, on a railway that is a common carrier, Where life endangered
Causing bodily injury.
Endangering property.
Depriving of services.
Preventing running of trains.

is guilty of

(f) an indictable offence and is liable to imprisonment for five years, or

(g) an offence punishable on summary conviction.

(2) No person wilfully breaks a contract within the meaning of subsection (1) by reason only that Saving.

(a) being the employee of an employer, he stops work as a result of the failure of his employer and himself to agree upon any matter relating to his employment, or,

(b) being a member of an organization of employees formed for the purpose of regulating relations between

employers and employees, he stops work as a result of the failure of the employer and a bargaining agent acting on behalf of the organization to agree upon any matter relating to the employment of members of the organization,

if, before the stoppage of work occurs, all steps provided by law with respect to the settlement of industrial disputes are taken and any provision for the final settlement of differences, without stoppage of work, contained in or by law deemed to be contained in a collective agreement is complied with and effect given thereto.

Consent
required

(3) No proceedings shall be instituted under this section without the consent of the Attorney General.

Intimidation.

366. (1) Every one who, wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing anything that he has a lawful right to do, or to do anything that he has a lawful right to abstain from doing,

By violence

(a) uses violence or threats of violence to that person or to his wife or children, or injures his property,

By threats.

(b) intimidates or attempts to intimidate that person or a relative of that person by threats that, in Canada or elsewhere, violence or other injury will be done to or punishment inflicted upon him or a relative of his, or that the property of any of them will be damaged,

By following.

(c) persistently follows that person about from place to place,

By hiding property.

(d) hides any tools, clothes or other property owned or used by that person, or deprives him of them or hinders him in the use of them,

By disorderly conduct.

(e) with one or more other persons follows that person, in a disorderly manner, on a highway,

By watching or besetting.

(f) besets or watches the dwelling house or place where that person resides, works, carries on business or happens to be, or

By obstructing highway.

(g) blocks or obstructs a highway,
is guilty of an offence punishable on summary conviction.

Exception

(2) A person who attends at or near or approaches a dwelling house or place, for the purpose only of obtaining or communicating information, does not watch or beset within the meaning of this section.

367. Every one who, being an employer or the agent of an employer, wrongfully and without lawful authority

Employer
refusing to
employ mem-
ber of trade
union.

(a) refuses to employ or dismisses from his employment any person for the reason only that the person is a member of a lawful trade union or of a lawful association or combination of workmen or employees formed for

the purpose of advancing, in a lawful manner, their interests and organized for their protection in the regulation of wages and conditions of work,

- (b) seeks by intimidation, threat of loss of position or employment, or by causing actual loss of position or employment, or by threatening or imposing any pecuniary penalty, to compel workmen or employees to abstain from belonging to a trade union, association or combination to which they have a lawful right to belong, or

Employer
intimidating
workman.

- (c) conspires, combines, agrees or arranges with any other employer or his agent to do anything mentioned in paragraph (a) or (b),

Employers
conspiring.

is guilty of an offence punishable on summary conviction.

SECRET COMMISSIONS.

368. (1) Every one commits an offence who

- (a) corruptly

Bribery of
agent.

- (i) gives, offers or agrees to give or offer to an agent, or

- (ii) being an agent, demands, accepts or offers or agrees to accept from any person,

Agent
accepting
bribe.

a reward, advantage or benefit of any kind as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of his principal or for showing or forbearing to show favour or disfavour to any person with relation to the affairs or business of his principal; or

- (b) with intent to deceive a principal gives to an agent of that principal, or, being an agent, uses with intent to deceive his principal, a receipt, account, or other writing

- (i) in which the principal has an interest,

- (ii) that contains any statement that is false or erroneous or defective in any material particular, and

False
account to
deceive
principal.

- (iii) that is intended to mislead the principal.

(2) Every one commits an offence who is knowingly privy to the commission of an offence under subsection (1).

Privy to
offence.

(3) A person who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for two years.

Punish-
ment.

- (4) In this section,

- (a) "agent" includes an employee, and

"Agent."

- (b) "principal" includes an employer.

"Principal."

TRADING STAMPS.

Issuing
trading
stamps.

369. (1) Every one who, by himself or his employee or agent, directly or indirectly issues, gives, sells or otherwise disposes of, or offers to issue, give, sell or otherwise dispose of trading stamps to a merchant or dealer in goods for use in his business is guilty of an offence punishable on summary conviction.

Giving to
purchaser
of goods.

(2) Every one who, being a merchant or dealer in goods, by himself or his employee or agent, directly or indirectly gives or in any way disposes of, or offers to give or in any way dispose of, trading stamps to a person who purchases goods from him is guilty of an offence punishable on summary conviction.

PART IX.

WILFUL AND FORBIDDEN ACTS IN RESPECT
OF CERTAIN PROPERTY.

INTERPRETATION.

"Property."

370. In this Part, "property" means real or personal corporeal property.

"Wilfully."

371. (1) Every one who causes the occurrence of an event by doing an act or by omitting to do an act that it is his duty to do, knowing that the act or omission will probably cause the occurrence of the event and being reckless whether the event occurs or not, shall be deemed, for the purposes of this Part, wilfully to have caused the occurrence of the event.

Colour of
right.

(2) No person shall be convicted of an offence under sections 372 to 387 where he proves that he acted with legal justification or excuse and with colour of right.

(3) Where it is an offence to destroy or to damage anything,

Partial
interest.

(a) the fact that a person has a partial interest in what is destroyed or damaged does not prevent him from being guilty of the offence if he caused the destruction or damage, and

Total
interest.

(b) the fact that a person has a total interest in what is destroyed or damaged does not prevent him from being guilty of the offence if he caused the destruction or damage with intent to defraud.

MISCHIEF.

Destruction
or damage.
Rendering
property
dangerous,
etc.

372. (1) Every one commits mischief who wilfully
(a) destroys or damages property,
(b) renders property dangerous, useless, inoperative or ineffective,

(c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property, or

Obstructing use of property.

(d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

Obstructing person in use of property.
Punishment.

(2) Every one who commits mischief that causes actual danger to life is guilty of an indictable offence and is liable to imprisonment for life.

(3) Every one who commits mischief in relation to public property is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Idem

(4) Every one who commits mischief in relation to private property is guilty of an indictable offence and is liable to imprisonment for five years.

Idem.

(5) Every one who wilfully does an act or wilfully omits to do an act that it is his duty to do is, if that act or omission is likely to constitute mischief causing actual danger to life, or to constitute mischief in relation to public property or private property, guilty of an indictable offence and is liable to imprisonment for five years.

Offence.

(6) No person commits mischief within the meaning of this section by reason only that

Saving.

(a) he stops work as a result of the failure of his employer and himself to agree upon any matter relating to his employment,

(b) he stops work as a result of the failure of his employer and a bargaining agent acting on his behalf to agree upon any matter relating to his employment, or

(c) he stops work as a result of his taking part in a combination of workmen or employees for their own reasonable protection as workmen or employees.

(7) No person commits mischief within the meaning of this section by reason only that he attends at or near or approaches a dwelling house or place for the purpose only of obtaining or communicating information.

Idem.

373. (1) Every one who wilfully destroys or damages property is, where actual danger to life is not involved, guilty of an offence punishable on summary conviction if the alleged amount of destruction or damage does not exceed fifty dollars.

Damage not more than fifty dollars.

(2) Where an accused is convicted of an offence under subsection (1) the summary conviction court may, in addition to any punishment that is imposed, order the accused to pay to a person aggrieved an amount not exceeding fifty dollars that appears to the summary conviction court to be reasonable compensation for the destruction or damage.

Compensation.

(3) The summary conviction court may order that where an amount that is adjudged to be paid as compensation under subsection (2) is not paid forthwith or within the

Imprisonment in default.

period that the summary conviction court appoints at the time of the conviction, the accused shall be imprisoned for a term not exceeding two months.

Idem.

(4) The summary conviction court may order that terms of imprisonment that are imposed under this section shall take effect one after the other.

ARSON AND OTHER FIRES.

Arson.

374. (1) Every one who wilfully sets fire to

(a) a building or structure, whether completed or not,
(b) a stack of vegetable produce or of mineral or vegetable fuel,

(c) a mine,

(d) a well of combustible substance,

(e) a vessel or aircraft, whether completed or not,

(f) timber or materials placed in a shipyard for building, repairing or fitting out a ship,

(g) military or public stores or munitions of war,

(h) a crop, whether standing or cut down, or

(i) any wood, forest, or natural growth, or any lumber, timber, log, float, boom, dam or slide,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Fraudulently
burning
personal
property.

(2) Every one who wilfully and for a fraudulent purpose sets fire to personal property not mentioned in subsection (1) is guilty of an indictable offence and is liable to imprisonment for five years.

Setting fire
to other
substance.

375. Every one who

(a) wilfully sets fire to anything that is likely to cause anything mentioned in subsection (1) of section 374 to catch fire; or

(b) wilfully and for a fraudulent purpose sets fire to anything that is likely to cause personal property not mentioned in subsection (1) of section 374 to catch fire, is guilty of an indictable offence and is liable to imprisonment for five years.

Presumption
against
holder of
insurance

376. Where a person is charged with an offence under section 374 or 375, evidence that he is the holder of or is named as the beneficiary under a policy of fire insurance relating to the property in respect of which the offence is alleged to have been committed is, where intent to defraud is material, *prima facie* evidence of intent to defraud.

Setting a
fire by
negligence.

377. (1) Every one who causes a fire ·

(a) wilfully, or

(b) by violating a law in force in the place where the fire occurs,

is, if the fire results in loss of life or destruction of or damage to property, guilty of an indictable offence and is liable to imprisonment for five years.

(2) For the purposes of this section, the person who owns, occupies or controls property in which a fire that results in loss of life or destruction of or damage to property originates or occurs shall be deemed wilfully to have caused the fire if he has failed to comply with any law that is intended to prevent fires or that requires the property to be equipped with apparatus for the purpose of extinguishing fires or for the purpose of enabling persons to escape in the event of fire, and if it is established that the fire, or the loss of life, or the whole or any substantial portion of the destruction of or damage to the property would not have occurred if he had complied with the law.

Presumption
against
person in
control of
premises.

OTHER INTERFERENCE WITH PROPERTY.

378. Every one who wilfully, without reasonable cause, by outcry, ringing bells, using a fire alarm, telephone or telegraph, or in any other manner, makes or circulates or causes to be made or circulated an alarm of fire is guilty of an offence punishable on summary conviction.

False alarm
of fire.

379. (1) Every one who wilfully prevents or impedes, or who wilfully endeavours to prevent or impede,
(a) the saving of a vessel that is wrecked, stranded, abandoned or in distress, or

Interfering
with saving
of wrecked
vessel.

(b) a person who attempts to save a vessel that is wrecked, stranded, abandoned or in distress,
is guilty of an indictable offence and is liable to imprisonment for five years.

(2) Every one who wilfully prevents or impedes or wilfully endeavours to prevent or impede the saving of wreck is guilty of an offence punishable on summary conviction.

Interfering
with saving
of wreck.

380. (1) Every one who makes fast a vessel or boat to a signal, buoy or other sea mark that is used for purposes of navigation is guilty of an offence punishable on summary conviction.

Interfering
with marine
signal, etc.

(2) Every one who wilfully alters, removes or conceals a signal, buoy or other sea mark that is used for purposes of navigation is guilty of an indictable offence and is liable to imprisonment for ten years.

381. Every one who wilfully and without the written permission of the Minister of Transport, the burden of proof of which lies on the accused, removes any stone, wood, earth or other material that forms a natural bar necessary to the existence of a public harbour, or that forms a natural protection to such a bar, is guilty of an indictable offence and is liable to imprisonment for two years.

Removing
natural bar
without
permission.

Occupant
injuring
building.

382. Every one who, wilfully and to the prejudice of a mortgagee or owner, pulls down, demolishes or removes, all or any part of a dwelling house or other building of which he is in possession or occupation, or severs from the freehold any fixture fixed therein or thereto is guilty of an indictable offence and is liable to imprisonment for five years.

Interfering
with
boundary
lines.

383. Every one who wilfully pulls down, defaces, alters or removes anything planted or set up as the boundary line or part of the boundary line of land is guilty of an offence punishable on summary conviction.

Interfering
with
international
boundary
marks, etc.

384. (1) Every one who wilfully pulls down, defaces, alters or removes

(a) a boundary mark lawfully placed to mark an international, provincial, county or municipal boundary, or

(b) a boundary mark lawfully placed by a land surveyor to mark a limit, boundary or angle of a concession, range, lot or parcel of land,

is guilty of an indictable offence and is liable to imprisonment for five years.

Saving.

(2) A land surveyor does not commit an offence under subsection (1) where, in his operations as a land surveyor, he takes up, when necessary, a boundary mark mentioned in paragraph (b) of subsection (1) and carefully replaces it as it was before he took it up.

CATTLE AND OTHER ANIMALS.

Killing or
injuring
cattle.
Placing
poison.

385. Every one who wilfully

(a) kills, maims, wounds, poisons or injures cattle, or

(b) places poison in such a position that it may easily be consumed by cattle,

is guilty of an indictable offence and is liable to imprisonment for five years.

Killing or
injuring
other
animals.

386. Every one who wilfully and without lawful excuse

(a) kills, maims, wounds, poisons or injures dogs, birds or animals that are not cattle and are kept for a lawful purpose, or

(b) places poison in such a position that it may easily be consumed by dogs, birds or animals that are not cattle and are kept for a lawful purpose,

is guilty of an offence punishable on summary conviction.

Placing
poison.

CRUELTY TO ANIMALS.

Causing
unnecessary
suffering.

387. (1) Every one commits an offence who

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or bird,

- (b) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed, Causing injury by negligence.
- (c) being the owner or the person having the custody or control of a domestic animal or bird or an animal or bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it, Abandoning.
- (d) in any manner encourages, aids or assists at the fighting or baiting of animals or birds, Baiting.
- (e) wilfully, without reasonable excuse, administers a poisonous or injurious drug or substance to a domestic animal or bird or an animal or bird wild by nature that is kept in captivity or being the owner of such an animal or bird, wilfully permits a poisonous or injurious drug or substance to be administered to it, or Poisoning.
- (f) promotes, arranges, conducts, assists in, receives money for, or takes part in a meeting, competition, exhibition, pastime, practice, display, or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated, or Field trials.
- (g) being the owner, occupier, or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (f).
- (2) Every one who commits an offence under subsection (1) is guilty of an offence punishable on summary conviction. Punishment

388. (1) Every one who builds, makes, maintains or keeps a cock-pit on premises that he owns or occupies, or allows a cock-pit to be built, made, maintained or kept on such premises is guilty of an offence punishable on summary conviction. Keeping cock-pit.

(2) A peace officer who finds cocks in a cock-pit or on premises where a cock-pit is located shall seize them and take them before a justice who shall order them to be destroyed. Confiscation.

389. (1) Except as provided in this section, no railway company or owner or master of a vessel shall confine cattle in a railway car or vessel in which they are conveyed in Canada or between Canada and the United States for more than thirty-six hours without unloading the cattle for rest, water and feeding for a period of at least five consecutive hours. Transportation of cattle by rail or water.

(2) No offence is committed under subsection (1) where compliance with that subsection is prevented by storm or by necessary delay or detention or by other unavoidable cause. Saving.

(3) No railway company or owner or master of a vessel shall convey in a railway car or vessel calves that are under the age of three weeks except calves at foot of milch cows or pure-bred calves. Transportation of calves.

Time how
reckoned.

(4) For the purposes of subsection (1) the period of confinement of cattle includes the time during which the cattle have been confined without rest, food or water on a connecting railway or vessel from which the cattle are received, whether in the United States or in Canada.

Saving.

(5) This section does not apply in respect of cattle that are carried in a car or vessel in which they have proper space and opportunity for rest and in which they are provided with proper food and water.

Lien for
food.

(6) The owner of cattle to which this section applies or the person who has custody of them shall properly feed and water them during the periods of rest required by this section, but if he does not do so, the railway company or the owner or master of the vessel that carries them shall properly feed and water them at the expense of the owner or of the person who has custody of them, and the railway company or owner or master of the vessel, as the case may be, has a lien in respect thereof upon the cattle and is not liable for any detention of the cattle.

Sanitary
precautions.

(7) When cattle are unloaded from cars for rest, food and water as required by this section, the railway company that has, at that time, charge of the cars in which the cattle have been carried, shall, except during a period of frost, clean the floors of the cars and litter them with clean sawdust or sand before they are again loaded with livestock.

Over-
crowding.

(8) No railway company shall permit a railway car or other vehicle that carries cattle or other domestic animals or birds on the railway to be overcrowded so that unnecessary suffering is caused to the cattle or other domestic animals or birds therein.

Conveying
bulls.

(9) No railway company shall permit a bull of mature age to be carried on its railway in the same railway car with other cattle unless the bull is securely tied by the head.

Punishment.

(10) Every one who knowingly and wilfully violates or wilfully fails to comply with this section is guilty of an offence punishable on summary conviction.

Search.

390. (1) A peace officer who believes on reasonable and probable grounds that a person has failed to comply with section 389 in respect of a vehicle or vessel may at any time enter the vehicle or go on board the vessel.

Obstruction.

(2) Every one who refuses to admit a peace officer acting under subsection (1) to a vehicle or vessel or to any premises where the vehicle or vessel is located is guilty of an offence punishable on summary conviction.

PART X.

OFFENCES RELATING TO CURRENCY.

INTERPRETATION.

391. In this Part,

- (a) "copper coin" means a coin other than a gold or silver coin; "Copper coin."
- (b) "counterfeit money" includes
- (i) a false coin or false paper money that resembles or is apparently intended to resemble or pass for a current coin or current paper money, "Counterfeit money."
 - (ii) a forged bank note or forged blank bank note, whether complete or incomplete,
 - (iii) a genuine coin or genuine paper money that is prepared or altered to resemble or pass for a current coin or current paper money of a higher denomination,
 - (iv) a current coin from which the milling is removed by filing or cutting the edges and on which new milling is made to restore its appearance,
 - (v) a coin cased with gold or silver, as the case may be, that is intended to resemble or pass for a current gold or silver coin, and
 - (vi) a coin or a piece of metal or mixed metals washed or coloured by any means with a wash or material capable of producing the appearance of gold or silver and that is intended to resemble or pass for a current gold or silver coin;
- (c) "counterfeit token of value" means a counterfeit excise stamp, postage stamp or other evidence of value, by whatever technical, trivial or deceptive designation it may be described, and includes genuine coin or paper money that has no value as money; "Counterfeit token of value."
- (d) "current" means lawfully current in Canada or elsewhere by virtue of a law, proclamation or regulation in force in Canada or elsewhere as the case may be; and "Current."
- (e) "utter" includes sell, pay, tender and put off. "Utter."

MAKING.

392. Every one who makes or begins to make counterfeit money is guilty of an indictable offence and is liable to imprisonment for fourteen years. Making.

POSSESSION.

393. Every one who, without lawful justification or excuse, the proof of which lies upon him,

- (a) buys, receives or offers to buy or receive, Buying.
- (b) has in his custody or possession, or Having.

Importing. (c) introduces into Canada, counterfeit money is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Having
clippings, etc. **394.** Every one who, without lawful justification or excuse, the proof of which lies upon him, has in his custody or possession
(a) gold or silver filings or clippings,
(b) gold or silver bullion, or
(c) gold or silver in dust, solution or otherwise, produced or obtained by impairing, diminishing or lightening a current gold or silver coin, knowing that it has been so produced or obtained, is guilty of an indictable offence and is liable to imprisonment for five years.

UTTERING.

Uttering
counterfeit
money.
Exporting. **395.** Every one who, without lawful justification or excuse, the proof of which lies upon him,
(a) utters or offers to utter counterfeit money or uses counterfeit money as if it were genuine, or
(b) exports, sends or takes counterfeit money out of Canada,
is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Uttering coin
not current.
Uttering
false coin. **396.** Every one who, with intent to defraud, knowingly utters
(a) a coin that is not current, or
(b) a piece of metal or mixed metals that resembles in size, figure and colour a current gold or silver coin and is of less value than the current coin for which it is uttered,
is guilty of an indictable offence and is liable to imprisonment for two years.

Fraudulent
use of slugs,
etc. **397.** Everyone who fraudulently inserts or uses in a machine that vends merchandise or services or collects fares or tolls, anything that is intended to pass for the coin or the token of value that the machine is designed to receive in exchange for the merchandise, service, fare or toll, as the case may be, is guilty of an offence punishable on summary conviction.

DEFACING OR IMPAIRING.

Clipping coin. **398.** Every one who
(a) impairs, diminishes or lightens a current gold or silver coin with intent that it should pass for a current gold or silver coin, or

(b) utters a coin, knowing that it has been impaired, diminished or lightened contrary to paragraph (a), is guilty of an indictable offence and is liable to imprisonment for fourteen years. Uttering clipped coin.

399. Every one who
 (a) defaces a current gold, silver or copper coin, or
 (b) utters a current gold, silver or copper coin that has been defaced,
 is guilty of an offence punishable on summary conviction. Defacing current coin.
Uttering defaced coin.

400. (1) Every one who designs, engraves, prints or in any manner makes, executes, issues, distributes, circulates or uses a business or professional card, notice, placard, circular, handbill or advertisement in the likeness or appearance of Printing circulars, etc., in likeness of notes.

(a) a current bank note or current paper money, or
 (b) any obligation or security of a government or a bank,
 is guilty of an offence punishable on summary conviction.

(2) Every one who publishes or prints anything in the likeness or appearance of Printing anything in likeness of bank note, etc.

(a) all or part of a current bank note or current paper money, or

(b) all or part of any obligation or security of a government or a bank, is guilty of an offence punishable on summary conviction.

(3) No person shall be convicted of an offence under subsection (2) where it is established that, in publishing or printing anything to which that subsection applies, When no conviction under subsection (2).

(a) no photography was used at any stage for the purpose of publishing or printing it, except in connection with processes necessarily involved in transferring a finished drawing or sketch to a printed surface,

(b) except for the word 'Canada', nothing having the appearance of a word, letter or numeral was a complete word, letter or numeral.

(c) no representation of a human face or figure was more than a general indication of features, without detail,

(d) no more than one colour was used, and

(e) nothing in the likeness or appearance of the back of a current bank note or current paper money was published or printed in any form.

INSTRUMENTS OR MATERIALS.

401. Every one who, without lawful justification or excuse, the proof of which lies upon him,
 (a) makes or repairs,
 (b) begins or proceeds to make or repair, Making, having or dealing in instruments for counterfeiting.

(c) buys or sells, or
 (d) has in his custody or possession,
 a machine, engine, tool, instrument, material or thing that he knows has been used or that he knows is adapted and intended for use in making counterfeit money or counterfeit tokens of value is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Conveying
 instruments
 for coining
 out of mint

402. Every one who, without lawful justification or excuse, the proof of which lies upon him, knowingly conveys out of any of Her Majesty's mints in Canada,

- (a) a machine, engine, tool, instrument, material or thing used or employed in connection with the manufacture of coins,
 (b) a useful part of anything mentioned in paragraph (a), or
 (c) coin, bullion, metal or a mixture of metals,
 is guilty of an indictable offence and is liable to imprisonment for fourteen years.

ADVERTISING AND TRAFFICKING IN COUNTERFEIT MONEY OR COUNTERFEIT TOKENS OF VALUE.

403. (1) Every one who

Advertising
 offer to deal
 in
 counterfeit
 money, etc.

- (a) by an advertisement or any other writing offers to sell, procure or dispose of counterfeit money or counterfeit tokens of value or to give information with respect to the manner in which or the means by which counterfeit money or counterfeit tokens of value may be sold, procured or disposed of, or

Dealing in
 counterfeit
 tokens of
 value.

- (b) purchases, obtains, negotiates or otherwise deals with counterfeit tokens of value, or offers to negotiate with a view to purchasing or obtaining them,
 is guilty of an indictable offence and is liable to imprisonment for five years.

Fraudulent
 use of money
 genuine but
 valueless.

- (2) No person shall be convicted of an offence under subsection (1) in respect of genuine coin or genuine paper money that has no value as money unless, at the time when the offence is alleged to have been committed, he knew that the coin or paper money had no value as money and he had a fraudulent intent in his dealings with or with respect to the coin or paper money.

SPECIAL PROVISIONS AS TO PROOF.

Counterfeit
 when
 complete.

404. Every offence relating to counterfeit money or counterfeit tokens of value shall be deemed to be complete notwithstanding that the money or tokens of value in respect of which the proceedings are taken are not finished or perfected or do not copy exactly the money or tokens of value that they are apparently intended to resemble or for which they are apparently intended to pass.

FORFEITURE.

405. (1) Counterfeit money, counterfeit tokens of value and anything that is used or is intended to be used to make counterfeit money or counterfeit tokens of value belong to Her Majesty. Ownership.

(2) A peace officer may seize and detain Seizure.

(a) counterfeit money;

(b) counterfeit tokens of value, and

(c) machines, engines, tools, instruments, materials or things that have been used or that have been adapted and are intended for use in making counterfeit money or counterfeit tokens of value,

and anything seized shall be sent to the Minister of Finance to be disposed of or dealt with as he may direct, but anything that is required as evidence in any proceedings shall not be sent to the Minister until it is no longer required in those proceedings.

PART XI.

ATTEMPTS—CONSPIRACIES—ACCESSORIES.

406. Except where otherwise expressly provided by law, the following provisions apply in respect of persons who attempt to commit or are accessories after the fact to the commission of offences, namely, Attempts,
accessories

(a) every one who attempts to commit or is an accessory after the fact to the commission of an indictable offence for which, upon conviction, an accused is liable to be sentenced to death or to imprisonment for life, is guilty of an indictable offence and is liable to imprisonment for fourteen years; Where offence
punishable
with death or
life
imprison-
ment.

(b) every one who attempts to commit or is an accessory after the fact to the commission of an indictable offence for which, upon conviction, an accused is liable to imprisonment for fourteen years or less, is guilty of an indictable offence and is liable to imprisonment for a term that is one-half of the longest term to which a person who is guilty of that offence is liable; and Where
offence
punishable
with fourteen
years or less.

(c) every one who attempts to commit or is an accessory after the fact to the commission of an offence punishable on summary conviction is guilty of an offence punishable on summary conviction. Where offence
punishable on
summary
conviction.

407. Except where otherwise expressly provided by law, the following provisions apply in respect of persons who counsel, procure or incite other persons to commit offences namely, Counselling,
etc., offence
which is not
committed.

(a) every one who counsels, procures or incites another person to commit an indictable offence is, if the offence is not committed, guilty of an indictable offence and is liable to the same punishment to which a person who attempts to commit that offence is liable; and

(b) every one who counsels, procures or incites another person to commit an offence punishable on summary conviction is, if the offence is not committed, guilty of an offence punishable on summary conviction.

408. (1) Except where otherwise expressly provided by law, the following provisions apply in respect of conspiracy, namely,

Conspiracy
to murder.

(a) every one who conspires with any one to commit murder or to cause another person to be murdered, whether in Canada or not, is guilty of an indictable offence and is liable to imprisonment for fourteen years;

Conspiracy
to bring
false
accusation

(b) every one who conspires with any one to prosecute a person for an alleged offence, knowing that he did not commit that offence, is guilty of an indictable offence and is liable

(i) to imprisonment for ten years, if the alleged offence is one for which, upon conviction, that person would be liable to be sentenced to death or to imprisonment for life or for fourteen years, or

(ii) to imprisonment for five years, if the alleged offence is one for which, upon conviction, that person would be liable to imprisonment for less than fourteen years;

Conspiracy
to defile.

(c) every one who conspires with any one to induce, by false pretences, false representations or other fraudulent means, a woman to commit adultery or fornication, is guilty of an indictable offence and is liable to imprisonment for two years; and

Conspiracy
to commit
other
offences.

(d) every one who conspires with any one to commit an indictable offence not provided for in paragraph (a), (b) or (c) is guilty of an indictable offence and is liable to the same punishment as that to which an accused who is guilty of that offence would, upon conviction, be liable.

Common law
conspiracy.

(2) Every one who conspires with any one

(a) to effect an unlawful purpose, or

(b) to effect a lawful purpose by unlawful means, is guilty of an indictable offence and is liable to imprisonment for two years.

Conspiracy
in restraint
of trade.

409. (1) A conspiracy in restraint of trade is an agreement between two or more persons to do or to procure to be done any unlawful act in restraint of trade.

(2) The purposes of a trade union are not, by reason only that they are in restraint of trade, unlawful within the meaning of subsection (1). Trade union, exception.

410. (1) No person shall be convicted of the offence of conspiracy by reason only that he Saving.

(a) refuses to work with a workman or for an employer, or

(b) does any act or causes any act to be done for the purpose of a trade combination, unless such act is an offence expressly punishable by law.

(2) In this section, "trade combination" means any combination between masters or workmen or other persons for the purpose of regulating or altering the relations between masters or workmen, or the conduct of a master or workman in or in respect of his business, employment or contract of employment or service. "Trade combination."

411. (1) Every one who conspires, combines, agrees or arranges with another person Conspiracy.

(a) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article, To limit commercial facilities.

(b) to restrain or injure trade or commerce in relation to any article, To restrain commerce.

(c) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to enhance unreasonably the price thereof, or To lessen production.

(d) to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, transportation or supply of an article, or in the price of insurance upon persons or property, To lessen competition.
is guilty of an indictable offence and is liable to imprisonment for two years.

(2) For the purposes of this section, "article" means an article or commodity that may be a subject of trade or commerce. "Article."

(3) This section does not apply to combinations of workmen or employees for their own reasonable protection as workmen or employees. Saving.

412. (1) Every one engaged in trade, commerce or industry who

(a) is a party or privy to, or assists in, any sale that discriminates to his knowledge, directly or indirectly, against competitors of the purchaser, in that any discount, rebate, allowance, price concession or other advantage, is granted to the purchaser over and above any discount, rebate, allowance, price concession or other advantage, available at the time of such sale to such competitors in respect of a sale of goods of like quality and quantity; Discrimination in trade.

Lower prices
in particular
area.

(b) engages in a policy of selling goods in any area of Canada at prices lower than those exacted by such seller elsewhere in Canada, having or designed to have the effect of substantially lessening competition or eliminating a competitor in such part of Canada; or

Lessening
prices

(c) engages in a policy of selling goods at prices unreasonably low, having or designed to have the effect of substantially lessening competition or eliminating a competitor,

is guilty of an indictable offence and is liable to imprisonment for two years.

Defence.

(2) It is not an offence under paragraph (a) of subsection (1) to be a party or privy to, or assist in any sale mentioned therein unless the discount, rebate, allowance, price concession or other advantage was granted as part of a practice of discriminating as described in that paragraph.

Co-operative
society not
affected.

(3) The provisions of paragraph (a) of subsection (1) shall not prevent a co-operative society returning to producers or consumers, or a co-operative wholesale society returning to its constituent retail members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales to the society.

PART XII.

JURISDICTION.

GENERAL.

Superior
court of
criminal
jurisdiction.

413. (1) Every superior court of criminal jurisdiction has jurisdiction to try any indictable offence.

Court of
criminal
jurisdiction.

(2) Every court of criminal jurisdiction has jurisdiction to try an indictable offence other than

(a) an offence under any of the following sections, namely,

Treason.

(i) section 47,

Alarming or
harming Her
Majesty.

(ii) section 49,

Intimidating
Parliament or
legislature.

(iii) section 51,

Inciting to
mutiny

(iv) section 53,

Sedition.

(v) section 62,

Piracy.
Piratical
acts.

(vi) section 75,

(vii) section 76,

Bribery of
officers.

(viii) section 101,

Rape.

(ix) section 136,

Causing
death by
criminal
negligence.

(x) section 192,

Murder.

(xi) section 206,

Manslaughter.

(xii) section 207,

- (xiii) paragraph (a) of subsection (1) of section 316, or
 (xiv) section 411, Threat to murder.
Combination restraining trade.
 (b) the offence of being an accessory after the fact to treason or murder, Accessories.
 (c) an offence under section 100 by the holder of a judicial office, Corrupting justice.
 (d) the offence of attempting to commit any offence mentioned in paragraph (a), or Attempts.
 (e) the offence of conspiring to commit any offence mentioned in paragraph (a). Conspiracy.

414. Subject to this Act, every superior court of criminal jurisdiction and every court of criminal jurisdiction that has power to try an indictable offence is competent to try an accused for that offence Jurisdiction over person.

- (a) if the accused is found, is arrested or is in custody within the territorial jurisdiction of the court; or
 (b) if the accused has been committed for trial to, or has been ordered to be tried by
 (i) that court, or
 (ii) any other court, the jurisdiction of which has by lawful authority been transferred to that court.

415. Except where otherwise expressly provided by law, every accused who is charged with an indictable offence shall be tried by a court composed of a judge and jury. Trial by jury compulsory.

416. (1) Where an indictment is found against an accused, other than a corporation, for an offence under section 411, the accused may elect to be tried without a jury and where he so elects he shall be tried by the judge presiding at the court at which the indictment is found, or the judge presiding at any subsequent sittings of that court, or at any court where the indictment comes on for trial. Option for trial without jury in trade conspiracy cases.

(2) Where an accused makes an election under subsection (1), the proceedings subsequent to the election shall be in accordance with Part XVI in so far as that Part is capable of being applied. Part XVI applies.

417. Notwithstanding anything in this Act, an accused who is charged with an indictable offence in the Province of Alberta may, with his consent, be tried by a judge of the superior court of criminal jurisdiction of Alberta without a jury. Trial without jury in Alberta

418. Where the competent authority has determined that a panel of jurors is not to be summoned for a term or sittings of the court for the trial of criminal cases Adjournment when no jury summoned.

in any territorial division, the clerk of the court may, on the day of the opening of the term or sittings, if a judge is not present to preside over the court, adjourn the court and the business of the court to a subsequent day.

SPECIAL JURISDICTION.

419. For the purposes of this Act,

On water
between
jurisdictions.

(a) where an offence is committed in or upon any water or upon a bridge, between two or more territorial divisions, the offence shall be deemed to have been committed in any of the territorial divisions;

Near
boundary
between
jurisdictions

(b) where an offence is committed on the boundary of two or more territorial divisions or within five hundred yards of any such boundary, or the offence was commenced within one territorial division and completed within another, the offence shall be deemed to have been committed in any of the territorial divisions;

During course
of journey
in ship or
vehicle.

(c) where an offence is committed in or upon a vehicle employed in a journey, or on board a vessel employed on a navigable river, canal or inland water, the offence shall be deemed to have been committed in any territorial division through which the vehicle or vessel passed in the course of the journey or voyage on which the offence was committed, and where the center or other part of the road, or navigable river, canal or inland water on which the vehicle or vessel passed in the course of the journey or voyage is the boundary of two or more territorial divisions, the offence shall be deemed to have been committed in any of the territorial divisions;

Aircraft.

(d) where an offence is committed in an aircraft in the course of a flight of that aircraft, it shall be deemed to have been committed

(i) in the territorial division in which the flight commenced,

(ii) in any territorial division over which the aircraft passed in the course of the flight, or

(iii) in the territorial division in which the flight ended; and

Door-to-door
mail delivery

(e) where an offence is committed in respect of a mail in the course of the door-to-door delivery of the mail, the offence shall be deemed to have been committed in any territorial division through which the mail was carried on that delivery.

Offences in
territorial
waters.

420. (1) Where an offence is committed by a person, whether or not he is a Canadian citizen, on a part of the sea adjacent to the coast of Canada and within three nautical miles of ordinary low water mark, whether or not it was committed on board or by means of a Canadian ship,

the offence is within the competence of and shall be tried by the court having jurisdiction in respect of similar offences in the territorial division nearest to the place where the offence was committed, and shall be tried in the same manner as if the offence had been committed within that territorial division.

(2) No proceedings for an offence to which subsection (1) applies shall, where the accused is not a Canadian citizen, be instituted without the consent of the Attorney General of Canada. Consent.

421. (1) Subject to subsections (2) and (3), nothing in this Act authorizes a court in a province to try an offence committed entirely in another province. Offence committed entirely in one province not triable in another.

(2) Every proprietor, publisher, editor or other person charged with the publication of a defamatory libel in a newspaper or with conspiracy to publish a defamatory libel in a newspaper shall be dealt with, indicted, tried and punished in the province where he resides or in which the newspaper is printed. Exception.

(3) Where an accused is in custody and signifies in writing before a magistrate his intention to plead guilty to an offence with which he is charged that is alleged to have been committed in Canada outside the province in which he is in custody, he may, if the offence is not an offence mentioned in subsection (2) of section 413, and the Attorney General of the province where the offence is alleged to have been committed consents, be brought before a court or person that would have had jurisdiction to try that offence if it had been committed in the province where the accused is in custody, and where he pleads guilty to that offence, the court or person shall convict the accused and impose the punishment warranted by law, but where he does not plead guilty, he shall be returned to custody and shall be dealt with according to law. Exception.

(4) No writing that is executed by an accused pursuant to subsection (3) is admissible in evidence against him in any criminal proceedings. Writing not admissible.

(5) In this section, "newspaper" has the same meaning that it has in section 247. "Newspaper".

422. (1) Where an offence is committed in an unorganized tract of country in any province or on a lake, river or other water therein, not included in a territorial division or in a provisional judicial district, proceedings in respect thereof may be commenced and an accused may be charged, tried and punished in respect thereof within any territorial division or provisional judicial district of the province in the same manner as if the offence had been committed within that territorial division or provisional judicial district. Offence in unorganized territory.

New
territorial
division.

(2) Where a provisional judicial district or a new territorial division is constituted in an unorganized tract referred to in subsection (1), the jurisdiction conferred by that subsection continues until appropriate provision is made by law for the administration of criminal justice within the provisional judicial district or new territorial division.

Offence not
in a province.

423. Where an offence is committed in a part of Canada not in a province, proceedings in respect thereof may be commenced and the accused may be charged, tried and punished within any territorial division in any province in the same manner as if that offence had been committed in that territorial division.

RULES OF COURT.

Power to
make rules.

424. (1) Every superior court of criminal jurisdiction and every court of appeal, respectively, may, at any time with the concurrence of a majority of the judges thereof present at a meeting held for the purpose, make rules of court not inconsistent with this Act or any other Act of the Parliament of Canada, and any rules so made shall apply to any prosecution, proceeding, action or appeal, as the case may be, within the jurisdiction of that court, instituted in relation to any matter of a criminal nature or arising from or incidental to any such prosecution, proceeding, action or appeal.

Regulating
duties of
officers.

(2) Rules under subsection (1) may be made

(a) generally to regulate the duties of the officers of the court and any other matter considered expedient to attain the ends of justice and carry into effect the provisions of the law;

Regulating
sittings.

(b) to regulate the sittings of the court or any division thereof, or of any judge of the court sitting in chambers, except in so far as they are regulated by law;

Regulating
practice.

(c) to regulate in criminal matters the pleading, practice and procedure in the court including proceedings with respect to *mandamus*, *certiorari*, *habeas corpus*, prohibition, bail and costs, and the proceedings on an application to a summary conviction court to state a case for the opinion of the court with respect to a conviction, order, determination or other proceeding; and

Relating to
appeals.

(d) to carry out the provisions of this Act relating to appeals from conviction, acquittal or sentence on indictment, and without restricting the generality of this paragraph,

(i) for furnishing necessary forms and instructions in relation to notices of appeal or applications for leave to appeal to officials or other persons requiring or demanding them,

- (ii) for ensuring the accuracy of notes taken at a trial and the verification of any copy or transcript,
- (iii) for keeping writings, exhibits or other things connected with the proceedings on the trial,
- (iv) for securing the safe custody of property during the period in which the operation of an order with respect to that property is suspended under subsection (1) of section 595, and
- (v) for providing that the Attorney General and counsel who acted for the Attorney General at the trial be supplied with certified copies of writings, exhibits and things connected with the proceedings that are required for the purposes of their duties.

(3) Where in any province rules of court relating to criminal matters are in force when this Act comes into force, they shall continue in force except in so far as they may be amended or repealed from time to time by the court authorized by this section to make rules. Rules to continue.

(4) Rules of court that are made under the authority of this section shall be published in the *Canada Gazette*. Publication.

(5) Notwithstanding anything in this section, the Governor in Council may make such provision as he considers proper to secure uniformity in the rules of court in criminal matters, and all uniform rules made under the authority of this subsection shall prevail and have effect as if enacted by this Act. Regulations to secure uniformity.

PART XIII.

SPECIAL PROCEDURE AND POWERS.

GENERAL POWERS OF CERTAIN OFFICIALS.

425. Every judge or magistrate authorized by the law of the province in which he is appointed to do anything that is required to be done by two or more justices may do alone anything that this Act or any other Act of the Parliament of Canada authorizes two or more justices to do. Officials with powers of two justices.

426. Every judge or magistrate has the same power and authority to preserve order in a court over which he presides as may be exercised by the superior court of criminal jurisdiction of the province during the sittings thereof. Preserving order in court.

427. Where an accused is or appears to be under the age of sixteen years, his trial shall take place without publicity, whether he is charged alone or jointly with another person. Trial of juveniles to be without publicity.

Exclusion of
public in
certain cases.

428. The trial of an accused that is a corporation or who is or appears to be sixteen years of age or more shall be held in open court, but where the court, judge, justice or magistrate, as the case may be, is of opinion that it is in the interest of public morals, the maintenance of order or the proper administration of justice to exclude all or any members of the public from the court room, he may so order.

Information
for search
warrant.

429. (1) A justice who is satisfied by information upon oath in Form 1, that there is reasonable ground to believe that there is in a building, receptacle or place,

(a) anything upon or in respect of which any offence against this Act has been or is suspected to have been committed,

(b) anything that there is reasonable ground to believe will afford evidence with respect to the commission of an offence against this Act, or

(c) anything that there is reasonable ground to believe is intended to be used for the purpose of committing any offence against the person for which a person may be arrested without warrant,

may at any time issue a warrant under his hand authorizing a person named therein or a peace officer to search the building, receptacle or place for any such thing, and to seize and carry it before the justice who issued the warrant or some other justice for the same territorial division to be dealt with by him according to law.

Endorsement
of search
warrant.

(2) Where the building, receptacle, or place in which anything mentioned in subsection (1) is believed to be is in some other territorial division, the justice may issue his warrant in like form modified according to the circumstances, and the warrant may be executed in the other territorial division after it has been endorsed, in Form 25, by a justice having jurisdiction in that territorial division.

Form.

(3) A search warrant issued under this section may be in Form 5.

Effect of
endorsement.

(4) An endorsement that is made upon a warrant pursuant to subsection (2) is sufficient authority to the peace officers to whom it was originally directed and to all peace officers within the jurisdiction of the justice by whom it is endorsed to execute the warrant and to take the things to which it relates before the justice who issued the warrant or some other justice for the same territorial division.

Execution
of search
warrant.

430. A warrant issued under section 429 shall be executed by day, unless the justice, by the warrant, authorizes execution of it by night.

431. Every person who executes a warrant issued under section 429 may seize, in addition to the things mentioned in the warrant, anything that on reasonable grounds he believes has been obtained by or has been used in the commission of an offence, and carry it before the justice who issued the warrant or some other justice for the same territorial division, to be dealt with in accordance with section 432.

Seizure of things not specified.

432. (1) Where anything that has been seized under section 431 or under a warrant issued pursuant to section 429 is brought before a justice, he shall, unless the prosecutor otherwise agrees, detain it or order that it be detained, taking reasonable care to ensure that it is preserved until the conclusion of any investigation or until it is required to be produced for the purposes of a preliminary inquiry or trial, but nothing shall be detained under the authority of this section for a period of more than three months after the time of seizure unless, before the expiration of that period, proceedings are instituted in which the subject-matter of detention may be required.

Detention of things seized.

(2) When an accused has been committed for trial the justice shall forward anything to which subsection (1) applies to the clerk of the court to which the accused has been committed for trial to be detained by him and disposed of as the court directs.

When accused committed for trial.

(3) Where a justice is satisfied that anything that has been seized under section 431 or under a warrant issued pursuant to section 429 will not be required for any purpose mentioned in subsection (1) or (2), he may

Disposal of things seized in other cases.

(a) if possession of it by the person from whom it was seized is lawful, order it to be returned to that person, or

(b) if possession of it by the person from whom it was seized is unlawful,

(i) order it to be returned to the lawful owner or to the person who is entitled to possession of it, or

(ii) order it to be forfeited or otherwise dealt with in accordance with law, where the lawful owner or the person who is entitled to possession of it is not known.

(4) Nothing shall be disposed of under subsection (3) pending any proceeding in which the right of seizure is questioned, or within thirty days after an order is made under that subsection.

Detention pending appeal, etc

(5) Where anything is detained under subsection (1), a judge of a superior court of criminal jurisdiction or of a court of criminal jurisdiction may, on summary application on behalf of a person who has an interest in what is detained,

Access to anything seized.

after three clear days' notice to the Attorney General, order that the person by or on whose behalf the application is made be permitted to examine anything so detained.

Conditions

(6) An order that is made under subsection (5) shall be made on such terms as appear to the judge to be necessary or desirable to ensure that anything in respect of which the order is made is safeguarded and preserved for any purpose for which it may subsequently be required.

Appeal.

(7) A person who considers himself aggrieved by an order made under subsection (3) may appeal from the order to the appeal court, as defined in section 719, and for the purposes of the appeal the provisions of sections 721 to 732 apply, *mutatis mutandis*.

Seizure of explosives.

433. (1) Every person who executes a warrant issued under section 429 may seize any explosive substance that he suspects is intended to be used for an unlawful purpose, and shall, as soon as possible, remove to a place of safety anything that he seizes by virtue of this section and detain it until he is ordered by a judge of a superior court to deliver it to some other person or an order is made pursuant to subsection (2).

Forfeiture.

(2) Where an accused is convicted of an offence in respect of anything seized by virtue of subsection (1), it is forfeited and shall be dealt with as the court that makes the conviction may direct.

Application of proceeds.

(3) Where anything to which this section applies is sold, the proceeds of the sale shall be paid to the Attorney General.

PART XIV.

COMPELLING APPEARANCE OF ACCUSED BEFORE A JUSTICE.

ARREST WITHOUT WARRANT.

By any person.

434. Any one may arrest without warrant a person whom he finds committing an indictable offence.

By peace officer.

435. A peace officer may arrest without warrant

(a) a person who has committed or who, on reasonable and probable grounds, he believes has committed or is about to commit an indictable offence, or

(b) a person whom he finds committing a criminal offence.

By any person on fresh pursuit.

436. Any one may arrest without warrant a person who, on reasonable and probable grounds, he believes

(a) has committed a criminal offence, and

(b) is

(i) escaping from, and

(ii) freshly pursued by,

persons who have lawful authority to arrest that person.

437. Any one who is

(a) the owner or a person in lawful possession of property,
or

By owner of
property.

(b) a person authorized by the owner or by a person in
lawful possession of property,
may arrest without warrant a person whom he finds com-
mitting a criminal offence on or in relation to that property.

438. (1) Any one who arrests a person without warrant shall forthwith deliver that person to a peace officer, and the peace officer may detain the person until he is dealt with in accordance with this section.

Delivery
to peace
officer.

(2) A peace officer who receives delivery of and detains a person who has been arrested without warrant or who arrests a person with or without warrant shall, in accordance with the following provisions, take or cause that person to be taken before a justice to be dealt with according to law, namely,

Taking
before
justice.

(a) where a justice is available within a period of twenty-four hours after the person has been delivered to or has been arrested by the peace officer, the person shall be taken before a justice before the expiration of that period; and

(b) where a justice is not available within a period of twenty-four hours after the person has been delivered to or has been arrested by the peace officer, the person shall be taken before a justice as soon as possible.

INFORMATION, SUMMONS AND WARRANT.

439. (1) Any one who, upon reasonable and probable grounds, believes that a person has committed an indictable offence may lay an information in writing and under oath before a justice, and the justice shall receive the information where it is alleged that

In what cases
justice may
receive
information.

(a) the person has committed, anywhere, an indictable offence that may be tried in the province in which the justice resides, and that the person

(i) is or is believed to be, or

(ii) resides or is believed to reside,

within the territorial jurisdiction of the justice;

(b) the person, wherever he may be, has committed an indictable offence within the territorial jurisdiction of the justice;

(c) the person has anywhere unlawfully received property that was unlawfully obtained within the territorial jurisdiction of the justice; or

(d) the person has in his possession stolen property within the territorial jurisdiction of the justice.

(2) An information that is laid under this section may be
in Form 2.

Form.

Justice to hear informant or witnesses.	440. (1) A justice who receives an information shall (a) hear and consider, <i>ex parte</i> , (i) the allegations of the informant, and (ii) the evidence of witnesses, where he considers it desirable or necessary to do so; and
Summons or warrant.	(b) issue, where he considers that a case for so doing is made out, a summons or warrant, as the case may be, to compel the accused to attend before him.
Process compulsory.	(2) No justice shall refuse to issue a summons or warrant by reason only that the alleged offence is one for which a person may be arrested without warrant.
Procedure when witnesses attend.	(3) A justice who hears the evidence of a witness pursuant to subsection (1) shall (a) take the evidence upon oath, and (b) cause the evidence to be taken in accordance with section 453 in so far as that section is capable of being applied.
No process in blank.	(4) No justice shall sign a summons or warrant in blank.
Summons.	441. (1) A summons shall (a) be directed to the accused, (b) set out briefly the offence in respect of which the accused is charged, and (c) require the accused to appear at a time and place to be stated therein.
Form.	(2) A summons may be in Form 6.
Service on individual.	(3) A summons shall be served by a peace officer who shall deliver it personally to the person to whom it is directed, or, if that person cannot conveniently be found, shall leave it for him at his last or usual place of abode with some inmate thereof who appears to be at least sixteen years of age.
Service on corporation.	(4) Subject to subsection (5), where an accused is a corporation the summons shall be served by delivering it to the manager, secretary or other executive officer of the corporation, or of a branch thereof.
Service on municipality.	(5) Where an accused is a municipal corporation, the summons may be served by delivering it to the mayor, secretary-treasurer or clerk of the corporation.
Proof of service.	(6) Service of a summons may be proved by the oral evidence, given under oath, of the peace officer who served it or by his affidavit made before a justice.
Contents of warrant to arrest.	442. (1) A warrant shall (a) name or describe the accused, (b) set out briefly the offence in respect of which the accused is charged, and (c) order that the accused be arrested and brought before the justice who issued the warrant or before

some other justice having jurisdiction in the same territorial division, to answer to the charge and to be further dealt with according to law.

(2) A warrant remains in force until it is executed, and need not be made returnable at any particular time. No return day.

(3) A warrant may be in Form 7. Form.

443. A warrant that is authorized by this Part shall be signed by a justice and may be directed, Formalities of warrant.

(a) to a peace officer by name,

(b) to a peace officer by name and all other peace officers within the territorial jurisdiction of the justice, or

(c) generally to all peace officers within the territorial jurisdiction of the justice.

444. (1) A justice may issue a warrant in Form 7 for the arrest of an accused notwithstanding that a summons has already been issued to require the appearance of the accused. Summons not to prevent warrant.

(2) Where

(a) service of a summons is proved and the accused does not appear, or Warrant in default of appearance.

(b) it appears that a summons cannot be served because the accused is evading service,

a justice may issue a warrant in Form 8.

445. (1) A warrant may be executed by arresting the accused Execution of warrant.

(a) wherever he is found within the territorial jurisdiction of the justice by whom the warrant was issued, or Where.

(b) wherever he is found in Canada, in the case of fresh pursuit.

(2) A warrant may be executed by a person who is By whom.

(a) the peace officer named in the warrant, or

(b) one of the peace officers to whom it is directed, whether or not the place in which the warrant is to be executed is within the territory for which the person is a peace officer.

PROCEDURE TO PROCURE ATTENDANCE OF A PRISONER.

446. (1) Where a person who is confined in a prison is required

(a) to attend at a preliminary inquiry into a charge against him, For preliminary inquiry.

(b) to stand his trial upon a charge that may be tried by indictment or on summary conviction. or For trial.

(c) to attend to give evidence in a proceeding to which this Act applies, As a witness.

Judge's
order.

a judge of a superior court of criminal jurisdiction or of a county or district court may order in writing that the prisoner be brought before the court, judge, justice, or magistrate before whom his attendance is required, from day to day as may be necessary, if

(*d*) the applicant for the order sets out the facts of the case in an affidavit and produces the warrant, if any, and

(*e*) the judge is satisfied that the ends of justice require that an order be made.

Magistrate's
order.

(2) A magistrate has the same powers for the purposes of subsection (1) as a judge has under that subsection, where the person whose attendance is required is confined in a prison within the province in which the magistrate has jurisdiction.

Conveyance
of prisoner.

(3) An order that is made under subsection (1) or (2) shall be addressed to the person who has custody of the prisoner, and on receipt thereof that person shall

(*a*) deliver the prisoner to any person who is named in the order to receive him, or

(*b*) bring the prisoner before the court, judge, justice or magistrate, as the case may be, upon payment of his reasonable charges in respect thereof.

Detention of
prisoner
required as
witness.

(4) Where the prisoner is required as a witness, the judge or magistrate shall direct, in the order, the manner in which the prisoner shall be kept in custody and returned to the prison from which he is brought.

Detention of
prisoner in
other cases.

(5) Where the appearance of the prisoner is required for the purposes of paragraph (*a*) or (*b*) of subsection (1), the judge or magistrate shall give appropriate directions in the order with respect to the manner in which the prisoner is

(*a*) to be kept in custody, if he is committed for trial; or

(*b*) to be returned, if he is discharged upon a preliminary inquiry or if he is acquitted of the charge against him.

Application
of sections
respecting
sentence.

(6) Sections 621 and 634 apply where a prisoner to whom this section applies is convicted and sentenced to imprisonment by the court, judge, justice or magistrate.

ENDORSEMENT OF WARRANT.

Endorsing
warrant

447. (1) Where a warrant for the arrest of an accused cannot be executed in accordance with section 445, a justice within whose jurisdiction the accused is or is believed to be shall, upon application, and upon proof on oath or by affidavit of the signature of the justice who executed the warrant, authorize the execution of the warrant within his jurisdiction by making an endorsement, which may be in Form 25, upon the warrant.

(2) An endorsement that is made upon a warrant pursuant to subsection (1) is sufficient authority to the peace officers to whom it was originally directed, and to all peace officers within the territorial jurisdiction of the justice by whom it is endorsed, to execute the warrant and to take the accused before the justice who issued the warrant or before some other justice for the same territorial division. Effect of endorsement.

CORONER'S WARRANT.

448. (1) Where a person is alleged, by a verdict upon a coroner's inquisition, to have committed murder or manslaughter but he has not been charged with the offence, the coroner shall Coroner's warrant.

(a) direct, by warrant under his hand, that the person be taken into custody and be conveyed, as soon as possible, before a justice, or

(b) direct the person to enter into a recognizance before him with or without sureties, to appear before a justice. Recognizance.

(2) Where a coroner makes a direction under subsection Transmitting depositions.

(1) he shall transmit to the justice the evidence taken before him in the matter.

PART XV.

PROCEDURE ON PRELIMINARY INQUIRY.

JURISDICTION.

449. Where an accused who is charged with an indictable offence is before a justice, the justice shall, in accordance with this Part, inquire into that charge and any other charge against that person. Inquiry by justice.

450. (1) Where an accused is before a justice other than a magistrate as defined in Part XVI charged with an offence over which a magistrate, under that Part, has absolute jurisdiction, the justice shall remand the accused to appear before a magistrate having absolute jurisdiction over that offence in the territorial division in which the offence is alleged to have been committed. Remand by justice to magistrate in certain cases.

(2) Subject to subsection (1), where an accused is before a justice charged with an offence other than an offence that is mentioned in subsection (2) of section 413 the justice shall, if Election before justice in certain cases.

(a) he is a justice other than a magistrate as defined in Part XVI, and

(b) he orders the accused to appear for trial or commits the accused for trial,

inform the accused of the offence in respect of which the order or committal is made and put the accused to his election in the following words:

You have the option to elect to be tried by a judge without a jury or by a court composed of a judge and jury. How do you elect to be tried?

Procedure
when accused
elects trial
without jury.

(3) Where an accused is put to his election under subsection (2) the justice shall

(a) endorse on the information a statement showing the nature of the election or that the accused did not elect, and

(b) state in the warrant of committal, if any, that the accused

(i) elected to be tried by a judge without a jury,

(ii) elected to be tried by a court composed of a judge and jury, or

(iii) did not elect.

POWERS OF JUSTICE.

Bail.

451. A justice acting under this Part may

(a) order that an accused, at any time before he has been committed for trial, be admitted to bail

(i) upon the accused entering into a recognizance in Form 28 before him or any other justice, with sufficient sureties in such amount as he or that justice directs,

(ii) upon the accused entering into a recognizance in Form 28 before him or any other justice and depositing an amount that he or that justice directs, or

(iii) upon the accused entering into his own recognizance in Form 28 before him or any other justice in such amount as he or that justice directs without any deposit;

Adjournment.

(b) adjourn the inquiry from time to time and change the place of hearing, where it appears to be desirable to do so by reason of the absence of a witness, the inability of a witness who is ill to attend at the place where the justice usually sits, or for any other sufficient reason, but no such adjournment shall be for more than eight clear days unless the accused

(i) is at large on bail and he and his sureties and the prosecutor consent to the proposed adjournment, or

(ii) is remanded for observation under subparagraph

(i) of paragraph (c);

- (c) remand an accused, Remand by order.
- (i) by order in writing, to such custody as the justice directs for observation for a period not exceeding thirty days where, in his opinion, supported by the evidence of at least one duly qualified medical practitioner, there is reason to believe that
- (A) the accused is mentally ill, or
- (B) the balance of the mind of the accused is disturbed, where the accused is a female person charged with an offence arising out of the death of her newly-born child, or
- (ii) orally, to the custody of a peace officer or other person, where the remand is for a period not exceeding three clear days;
- (d) remand an accused to custody in a prison, by warrant in Form 14; Remand by warrant.
- (e) resume an inquiry before the expiration of a period for which it has been adjourned with the consent of the prosecutor and the accused or his counsel; Idem
- (f) order in writing, in Form 26, that the accused be brought before him, or any other justice for the same territorial division, at any time before the expiration of the time for which the accused has been remanded; Resuming inquiry.
- (g) issue a warrant in Form 8 or 9, as the case may be, for the arrest of an accused Issue of warrant.
- (i) who does not appear pursuant to service of a summons upon him, if service is proved, or
- (ii) who does not appear at the time and place to which an inquiry has been adjourned;
- (h) grant or refuse permission to the prosecutor or his counsel to address him in support of the charge, by way of opening or summing up or by way of reply upon any evidence that is given on behalf of the accused; Permission to sum up.
- (i) receive evidence on the part of the prosecutor or the accused, as the case may be, after hearing any evidence that has been given on behalf of either of them; Further evidence.
- (j) order that no person other than the prosecutor, the accused and their counsel shall have access to or remain in the room in which the inquiry is held, where it appears to him that the ends of justice will be best served by so doing; and Inquiry may be private.
- (k) regulate the course of the inquiry in any way that appears to him to be desirable and that is not inconsistent with this Act. Regulating course of inquiry.

452. Where an accused is a corporation, subsections (1) and (2) of section 470 apply, *mutatis mutandis*. Corporation.

TAKING EVIDENCE OF WITNESSES.

453. (1) When the accused is before a justice holding a preliminary inquiry, the justice shall

Evidence for
prosecution
to be taken on
oath.

(a) take the evidence under oath, in the presence of the accused, of the witnesses called on the part of the prosecution and allow the accused or his counsel to cross-examine them; and

Depositions
in writing or
by steno-
grapher.

(b) cause a record of the evidence of each witness to be taken by a stenographer appointed by him, or in legible writing, in the form of a deposition, in Form 27.

Reading and
signing
depositions.

(2) Where a deposition is taken down in writing, the justice shall, in the presence of the accused, before asking the accused if he wishes to call witnesses,

(a) cause the deposition to be read to the witness,

(b) cause the deposition to be signed by the witness, and

(c) sign the deposition himself.

Authentic-
ation by
justice.

(3) Where depositions are taken down in writing the justice may sign

(a) at the end of each deposition, or

(b) at the end of several or of all the depositions in a manner that will indicate that his signature is intended to authenticate each deposition.

Steno-
grapher to be
sworn.

(4) Where the stenographer appointed to take down the evidence is not a duly sworn court stenographer he shall make oath that he will truly and faithfully report the evidence.

Authentic-
ation of
transcript.

(5) Where the evidence is taken down by a stenographer appointed by the justice, it need not be read to or signed by the witnesses, but the evidence shall be transcribed by the stenographer and the transcript shall be signed by the justice and shall be accompanied by

(a) an affidavit of the stenographer that it is a true report of the evidence, or

(b) a certificate that it is a true report of the evidence if the stenographer is a duly sworn court stenographer.

Accused to
be addressed.

454. (1) When the evidence of the witnesses called on the part of the prosecution has been taken down and, where required by this Part, has been read, the justice shall address the accused as follows or to the like effect:

Form of
address.

Having heard the evidence, do you wish to say anything in answer to the charge? You are not bound to say anything, but whatever you do say will be taken down in writing and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour and nothing to fear from any threat that may have been held out to you to induce you to make any ad-

mission or confession of guilt, but whatever you now say may be given in evidence against you at your trial notwithstanding the promise or threat.

(2) Where the accused says anything in answer to the address made by the justice pursuant to subsection (1), his answer shall be taken down in writing and shall be signed by the justice and kept with the evidence of the witnesses and dealt with in accordance with this Part. Statement of accused.

(3) When subsections (1) and (2) have been complied with the justice shall ask the accused if he wishes to call any witnesses. Witnesses for accused.

(4) The justice shall hear each witness called by the accused who testifies to any matter relevant to the inquiry, and for the purposes of this subsection, section 453 applies, *mutatis mutandis*. Depositions of such witnesses.

455. Nothing in this Act prevents a prosecutor giving in evidence at a preliminary inquiry any admission, confession or statement made at any time by the accused that by law is admissible against him. Confession or admission of accused.

REMAND WHERE OFFENCE COMMITTED IN ANOTHER JURISDICTION.

456. (1) Where an accused is charged with an offence alleged to have been committed out of the limits of the jurisdiction in which he has been charged, the justice before whom he is brought may, at any stage of the inquiry after hearing both parties, order that the accused be taken before a justice having jurisdiction in the place where the offence is alleged to have been committed, who shall continue and complete the inquiry. Order that accused be taken before justice where offence committed.

(2) Where a justice makes an order pursuant to subsection (1) he shall deliver to a peace officer Procedure

(a) a warrant in Form 10, and

(b) the information, evidence and recognizances, if any.

(3) The peace officer shall produce the accused to a justice having jurisdiction in the place where the offence is alleged to have been committed and shall deliver to that justice all the writings received by the peace officer pursuant to subsection (2). Duty of peace officer.

(4) A peace officer who complies with subsection (3) and who proves, under oath, the handwriting of the justice who subscribed the writings referred to therein is entitled to receive from the justice to whom he delivers the writings a receipt in respect thereof. Receipt.

(5) A recognizance that is delivered by a peace officer to a justice having jurisdiction in the place where the offence is alleged to have been committed shall be deemed to have Effect of recognizance.

been taken by the justice to whom it is delivered, and continues in force, unless that justice requires a new recognition, until the accused is committed for trial or discharged, as the case may be.

Deposition. (6) The evidence that, pursuant to subsection (3), is delivered by a peace officer to a justice shall be deemed to have been taken by that justice.

PROCEDURE WHERE WITNESS REFUSES TO TESTIFY.

Witness refusing to be examined. **457.** (1) Where a person, being present at a preliminary inquiry and being required by the justice to give evidence,
 (a) refuses to be sworn,
 (b) having been sworn, refuses to answer the questions that are put to him,
 (c) fails to produce any writings that he is required to produce, or
 (d) refuses to sign his deposition,
 without offering a reasonable excuse for his failure or refusal, the justice may adjourn the inquiry and may, by warrant in Form 16, commit the person to prison for a period not exceeding eight clear days or for the period during which the inquiry is adjourned, whichever is the lesser period.

Further commitment. (2) Where a person to whom subsection (1) applies is brought before the justice upon the resumption of the adjourned inquiry and again refuses to do what is required of him, the justice may again adjourn the inquiry for a period not exceeding eight clear days and commit him to prison for the period of adjournment or any part thereof, and may adjourn the inquiry and commit the person to prison from time to time until the person consents to do what is required of him.

Saving. (3) Nothing in this section shall be deemed to prevent the justice from sending the case for trial upon any other sufficient evidence taken by him.

REMEDIAL PROVISIONS.

Irregularity or variance not to affect validity. **458.** The validity of any proceeding at or subsequent to a preliminary inquiry is not affected by
 (a) any irregularity or defect in the substance or form of the summons or warrant,
 (b) any variance between the charge set out in the summons or warrant and the charge set out in the information, or
 (c) any variance between the charge set out in the summons, warrant or information and the evidence adduced by the prosecution at the inquiry.

459. Where it appears to the justice that the accused has been deceived or misled by any irregularity, defect or variance mentioned in section 458, he may adjourn the inquiry and may remand the accused or admit him to bail in accordance with this Part. Adjournment if accused misled.

ADJUDICATION AND RECOGNIZANCES.

460. When all the evidence has been taken by the justice he shall,

- (a) if in his opinion the evidence is sufficient to put the accused on trial, Committal.
 - (i) commit the accused for trial by warrant in Form 17, or
 - (ii) order the accused, where it is a corporation, to stand trial in the court having criminal jurisdiction; or
- (b) discharge the accused, if in his opinion upon the whole of the evidence no sufficient case is made out to put the accused on trial. Dismissal.

461. (1) Where an accused is committed for trial or is ordered to stand trial the justice who held the preliminary inquiry may require any witness whose evidence is, in his opinion, material, to enter into a recognizance to give evidence on the trial of the accused. Recognizance of witness.

(2) The recognizance may be in Form 28, and may be set out at the end of a deposition or be separate therefrom. Form.

(3) A justice may, for any reason satisfactory to him, require any witness entering into a recognizance pursuant to this section Sureties or deposit for appearance of witness.

(a) to produce one or more sureties in such amount as he may direct, or

(b) to deposit with him a sum of money sufficient in his opinion to ensure that the witness will appear and give evidence.

(4) Where a witness does not comply with subsection (1) or (3) when required to do so by a justice, he may be committed by the justice, by warrant in Form 21, to a prison in the territorial division where the trial is to be held, there to be kept until he does what is required of him or until the trial is concluded. Witness refusing to be bound.

(5) Where a witness has been committed to prison pursuant to subsection (4), the court before which the witness appears or a justice having jurisdiction in the territorial division where the prison is situated may, by order in Form 35, discharge the witness from custody when the trial is concluded. Discharge.

TRANSMISSION OF RECORD.

To clerk of
court.

462. Where a justice commits an accused for trial or orders an accused to stand trial, he shall forthwith send to the clerk or other proper officer of the court by which the accused is to be tried the information, the evidence, the exhibits, the statement, if any, of the accused, the recognizances entered into, and any evidence taken before a coroner, that are in the possession of the justice.

BAIL.

463. (1) The following provisions with respect to bail apply where an accused has been committed for trial, namely,

By judge
or magistrate.

(a) where an accused is charged with an offence other than an offence punishable with death, or an offence under sections 50 to 53, he may apply to a judge of a county or district court, or a magistrate as defined in section 466, who has jurisdiction in the territorial division in which the accused was committed for trial or is confined; and

By superior
court judge.

(b) where an accused is charged with any offence, or where bail has been refused by a judge of a county or district court or by a magistrate, he may apply to a judge of, or a judge presiding in, a superior court of criminal jurisdiction for the province.

Notice of
application.

(2) Where an accused makes an application under subsection (1) he shall give notice thereof to the prosecutor.

(3) The judge or magistrate may, upon production of any material that he considers necessary upon the application, order that the accused be admitted to bail

With sureties.

(a) on entering into a recognizance before a justice with sufficient sureties in such amount as the judge or magistrate directs,

Deposit with-
out sureties.

(b) on entering into his own recognizance before a justice and depositing with the justice such sum of money as the judge or magistrate directs, or

Recognizance
of accused.

(c) on entering into his own recognizance before a justice in such amount as the judge or magistrate directs without any deposit,

Order for
discharge

and where the order is complied with the justice shall issue an order for discharge in Form 35, and shall attach to it the order of the judge or magistrate.

Form.

(4) The recognizance mentioned in subsection (3) shall be in Form 28.

Procedure.

(5) A justice who issues an order for discharge under this section shall send it to the keeper of the prison in which the accused is confined and the keeper shall thereupon discharge the accused if he is not in custody for any other reason.

464. Notwithstanding anything in this Act, no court, judge, justice or magistrate, other than a judge of or a judge presiding in a superior court of criminal jurisdiction for the province in which an accused is charged with an offence punishable with death or an offence under sections 50 to 53 may admit that accused to bail before or after committal for trial.

Bail in certain cases.

465. (1) A judge of, or a judge presiding in a superior court of criminal jurisdiction may, upon application,

Judge of superior court may vary.

(a) before an accused is committed for trial,

(i) admit the accused to bail if a justice has no power to grant bail or if bail has been refused by a justice, or

(ii) vary the amount of bail fixed by a justice, or

(b) where an accused is committed for trial, vary an order for bail fixed under subsection (3) of section 463 by a judge of a county or district court or a magistrate.

(2) No application shall be made by way of *habeas corpus* for the purpose of fixing, reviewing or varying bail.

No application by way of *habeas corpus*.

PART XVI.

INDICTABLE OFFENCES—TRIAL WITHOUT JURY.

INTERPRETATION.

466. In this Part,

(a) "judge" means,

(i) in the province of Ontario, a judge or a junior "Judge," judge of a county or district court,

(ii) in the province of Quebec, a judge of the sessions of the peace or a district magistrate,

(iii) in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, a judge of a county court,

(iv) in the province of Manitoba, the Chief Justice, or a puisne judge of the Court of Queen's Bench, or a judge of a county court,

(v) in the province of British Columbia, the Chief Justice or a puisne judge of the Supreme Court, or a judge of a county court,

(vi) in the provinces of Saskatchewan and Alberta, a judge of the superior court of criminal jurisdiction of the province, or of a district court, and

(vii) in the province of Newfoundland, a judge of the Supreme Court or of a district court,

(viii) in the Yukon Territory, a judge of the Territorial Court, and

(ix) in the Northwest Territories, a judge of the Territorial Court; and

"Magistrate."

(b) "magistrate" means

- (i) a person appointed under the law of a province, by whatever title he may be designated, who is specially authorized by the terms of his appointment to exercise the jurisdiction conferred upon a magistrate by this Part, but does not include two or more justices of the peace sitting together,
- (ii) with respect to the Yukon Territory, a police magistrate appointed under the *Yukon Act*, and
- (iii) with respect to the Northwest Territories, a police magistrate appointed under the *Northwest Territories Act*.

JURISDICTION OF MAGISTRATES.

ABSOLUTE JURISDICTION.

467. The jurisdiction of a magistrate to try an accused is absolute and does not depend upon the consent of the accused where the accused is charged in an information

Theft, etc.,
not over
fifty dollars.

(a) with

- (i) theft,
- (ii) obtaining or attempting to obtain money or property by false pretences, or
- (iii) unlawfully having in his possession anything, knowing that it was obtained by the commission in Canada of an offence punishable by indictment, where the property is not a testamentary instrument and where the alleged value of what is alleged to be stolen, obtained, had in possession or attempted to be obtained, does not exceed fifty dollars;

(b) with attempted theft; or

(c) with an offence under

Obstructing
public or
peace officer
Common
gaming or
betting house
Book making,
pool-selling,
etc.
Lotteries,
etc.
Cheating at
play.
Keeping
common
bawdy-house.
Assaults.
Assaulting
public or
peace officer
Fraud in
relation to
fares.

- (i) paragraph (a) of section 110,
- (ii) section 176,
- (iii) section 177,
- (iv) section 179,
- (v) section 181,
- (vi) section 182,
- (vii) section 231,
- (viii) paragraph (a) of subsection (2) of section 232,
or
- (ix) section 336.

MAGISTRATE'S JURISDICTION WITH CONSENT.

468. (1) Where an accused is charged in an information with an indictable offence other than an offence that is mentioned in subsection (2) of section 413, and the offence is not one over which a magistrate has absolute jurisdiction under section 467, a magistrate may try the accused if the accused elects to be tried by a magistrate. Trial by magistrate with consent.

(2) An accused to whom this section applies shall, after the information has been read to him, be put to his election in the following words: Election.

You have the option to elect to be tried by a magistrate without a jury; or you may elect to be tried by a judge without a jury; or you may elect to be tried by a court composed of a judge and jury. How do you elect to be tried?

(3) Where an accused does not elect to be tried by a magistrate, the magistrate shall hold a preliminary inquiry in accordance with Part XV, and if the accused is committed for trial or, in the case of a corporation is ordered to stand trial, the magistrate shall Procedure where accused does not consent.

(a) endorse on the information a statement showing the nature of the election or that the accused did not elect, and

(b) state in the warrant of committal, if any, that the accused

(i) elected to be tried by a judge without a jury,

(ii) elected to be tried by a court composed of a judge and jury, or

(iii) did not elect.

(4) Where an accused elects to be tried by a magistrate, the magistrate shall Procedure where accused consents.

(a) endorse on the information a record of the election, and

(b) call upon the accused to plead to the charge, and if the accused does not plead guilty the magistrate shall proceed with the trial or fix a time for the trial.

469. (1) Where an accused elects to be tried by a magistrate, but it appears to the magistrate that for any reason the charge should be prosecuted by indictment, he may, at any time before the accused has entered upon his defence, decide not to adjudicate and shall thereupon inform the accused of his decision and continue the proceedings as a preliminary inquiry. Magistrate may decide to hold preliminary inquiry.

(2) Where an accused is before a magistrate charged with an offence mentioned in paragraph (a) of section 467, and, at any time before the magistrate makes an adjudication, the evidence establishes that the value of what was stolen, obtained, had in possession or attempted to be obtained, as Where value more than fifty dollars.

the case may be, exceeds fifty dollars, the magistrate shall put the accused to his election in accordance with subsection (2) of section 468.

Continuing
proceedings.

(3) Where an accused is put to his election pursuant to subsection (2), the following provisions apply, namely,

(a) if the accused does not elect to be tried by a magistrate, the magistrate shall continue the proceedings as a preliminary inquiry under Part XV, and, if he commits the accused for trial, he shall comply with paragraphs (a) and (b) of subsection (3) of section 468; and

(b) if the accused elects to be tried by a magistrate, the magistrate shall endorse on the information a record of the election and continue with the trial.

Corporation.

470. (1) An accused that is a corporation shall appear by its counsel or agent.

Non-appearance of.

(2) Where an accused corporation does not appear pursuant to a summons and service of the summons upon the corporation in accordance with subsection (4) of section 441 is proved, the magistrate

(a) may, if the charge is one over which he has absolute jurisdiction, proceed with the trial of the charge in the absence of the accused corporation, and

(b) shall, if the charge is not one over which he has absolute jurisdiction, hold a preliminary inquiry in accordance with Part XV.

Corporation
not electing.

(3) Where an accused corporation appears but does not make any election under subsection (2) of section 468, the magistrate shall hold a preliminary inquiry in accordance with Part XV.

Taking
evidence.

471. Where an accused is tried by a magistrate in accordance with this Part, the evidence of witnesses for the prosecutor and the accused shall be taken in accordance with the provisions of Part XV relating to preliminary inquiries.

JURISDICTION OF JUDGES.

Trial by
judge with
consent.

472. An accused who is charged with an indictable offence other than an offence that is mentioned in subsection (2) of section 413 shall, where he elects under section 450, 468 or 475 to be tried by a judge without a jury, be tried, subject to this Part, by a judge without a jury.

Court of
record.

473. (1) A judge who holds a trial under this Part shall, for all purposes thereof and proceedings connected therewith or relating thereto, be a court of record.

Custody of
records.

(2) The record of a trial that a judge holds under this Part shall be kept in the court over which the judge presides.

ELECTION.

474. (1) Where an accused elects, under section 450 or 468, to be tried by a judge without a jury, a judge having jurisdiction shall, Duty of judge.

(a) upon receiving a written notice from the sheriff stating that the accused is in custody and setting out the nature of the charge against him, or Notice by sheriff.

(b) upon being notified by the clerk of the court that the accused is not in custody and of the nature of the charge against him, Notice by clerk of court.

fix a time and place for the trial of the accused.

(2) The sheriff shall give the notice mentioned in paragraph (a) of subsection (1) within twenty-four hours after the accused is committed for trial, if he is in custody pursuant to that committal or if, at the time of committal, he is in custody for any other reason. Notice by sheriff, when given.

(3) Where, pursuant to subsection (1), a time and place is fixed for the trial of an accused who is in custody, the accused Duty of sheriff when date set for trial.

(a) shall be notified forthwith by the sheriff of the time and place so fixed, and

(b) shall be produced at the time and place so fixed.

(4) Where an accused is not in custody the duty of ascertaining from the clerk of the court the time and place fixed for the trial, pursuant to subsection (1), is on the accused, and he shall attend for his trial at the time and place so fixed. Duty of accused when not in custody.

(5) Where an accused has elected under section 450 or 468 to be tried by a judge without a jury he may, at any time before a time has been fixed for his trial or thereafter with the consent in writing of the Attorney General or counsel acting on his behalf, re-elect to be tried by a judge and jury by filing with the clerk of the court an election in writing and the consent, if consent is required, and where an election is filed in accordance with this subsection the accused shall be tried before a court of competent jurisdiction with a jury and not otherwise. Further election.

475. (1) Where an accused elects under section 450 or 468 to be tried by a court composed of a judge and jury, the accused may notify the sheriff in the territorial division in which he is to be tried that he desires to re-elect under this section. Notice of intention to re-elect.

(2) A sheriff who receives notice pursuant to subsection (1) shall forthwith inform a judge having jurisdiction and the judge shall fix a time and place for the accused to re-elect and shall cause notice thereof to be given to the accused. Duty of sheriff.

Election.

(3) The accused shall attend or, if he is in custody, shall be produced at the time and place fixed under subsection (2) and shall, after the charge upon which he has been committed for trial or ordered to stand trial has been read to him, be put to his election in the following words:

Procedure.

You have elected to be tried by a court composed of a judge and jury. Do you now elect to be tried by a judge without a jury?

(4) Where an accused elects under this section to be tried by a judge without a jury, the judge shall proceed with the trial or fix a time and place for the trial.

Limit of time for re-election.

(5) Where an accused does not notify the sheriff in accordance with subsection (1) more than fourteen days before the day fixed for the opening of the sittings or session of the court sitting with a jury by which he is to be tried, no election may be made under this section unless the Attorney General or counsel acting on his behalf consents in writing.

Consent by Crown to re-election in certain cases.

476. Where an accused, being charged with an offence that, under this Part, may be tried by a judge without a jury, is committed for trial or, in the case of a corporation, is ordered to stand trial, within fourteen days of the opening of the sittings or session of the court composed of a judge and jury by which the accused is to be tried, the accused is not entitled to elect, under section 475, to be tried under this Part by a judge without a jury unless the Attorney General or counsel acting on his behalf consents in writing.

Election deemed to have been made in certain cases.

477. Where an accused is committed for trial or ordered to stand trial for an offence that, under this Part, may be tried by a judge without a jury, he shall, for the purposes of the provisions of this Part relating to election and re-election, be deemed to have elected to be tried by a court composed of a judge and jury if

(a) he did not elect when he was put to his election under section 450 or 468, or

(b) he elected under section 468 to be tried by a magistrate and the magistrate, pursuant to section 469, continued the proceedings as a preliminary inquiry.

TRIAL.

Preferring charge.

478. (1) Where an accused elects, under section 450, 468 or 475, to be tried by a judge without a jury, an indictment in Form 4 shall be preferred by the Attorney General or his agent, or by the Deputy Attorney General, or by any person who has the written consent of the Attorney General, and in the province of British Columbia may be preferred by the clerk of the peace.

(2) An indictment that is preferred under subsection (1) may contain any number of counts, and there may be joined in the same indictment What offences may be included.

(a) counts relating to offences in respect of which the accused elected to be tried by a judge without a jury and for which the accused was committed for trial, whether or not the offences were included in one information, and

(b) counts relating to offences disclosed by the evidence taken on the preliminary inquiry, in addition to or in substitution for any offence for which the accused was committed for trial.

(3) An indictment that is preferred under subsection (1) may include an offence that is not referred to in paragraph (a) or (b) of subsection (2) if the accused consents, and that offence may be dealt with, tried and determined and punished in all respects as if the offence were one in respect of which the accused had been committed for trial, but if that offence was committed wholly in a province other than that in which the accused is before the court, subsection (3) of section 421 applies. Consent of Attorney General or accused in certain cases.

GENERAL.

479. Where two or more persons are charged with the same offence the following provisions apply, namely, Discretion of judge or magistrate where more than one accused.

(a) if one or more of them, but not all, elect under section 450 to be tried by a judge without a jury, a judge may, in his discretion, decline to fix a time for the trial pursuant to section 474 and may require all the persons to be tried by a court composed of a judge and jury;

(b) if one or more of them, but not all, elect under section 468 to be tried by a magistrate or by a judge without a jury, as the case may be, the magistrate may, in his discretion, decline to record the election and if he does so, shall hold a preliminary inquiry; and

(c) if one or more of them, but not all, elect under section 475 to be tried by a judge without a jury the judge may, in his discretion, require all the persons to be tried by a court composed of a judge and jury.

480. The Attorney General may, notwithstanding that an accused elects under section 450, 468 or 475 to be tried by a judge or magistrate, as the case may be, require the accused to be tried by a court composed of a judge and jury, unless the alleged offence is one that is punishable with imprisonment for five years or less, and where the Attorney General so requires, a judge has no jurisdiction to try the accused under this Part and a magistrate shall hold a preliminary inquiry. Attorney General may require trial by jury.

Continuance
of pro-
ceedings
when judge or
magistrate
unable to act.

481. (1) Where an accused elects, under section 450, 468 or 475 to be tried by a judge or magistrate, as the case may be, and the judge or magistrate before whom the trial was commenced dies or is for any reason unable to continue, the proceedings may, subject to the provisions of this section, be continued before another judge or magistrate, as the case may be, who has jurisdiction to try the accused under this Part.

Where
adjudication
made.

(2) Where an adjudication was made by a judge or magistrate before whom the trial was commenced, the judge or magistrate, as the case may be, before whom the proceedings are continued shall, without further election by the accused, impose the punishment or make the order that, in the circumstances, is authorized by law.

Where no
adjudication
by judge.

(3) Where the trial was commenced before a judge but he did not make an adjudication, the judge before whom the proceedings are continued shall, without further election by the accused, commence the trial again as a trial *de novo*.

Where no
adjudication
by
magistrate.

(4) Where the trial was commenced before a magistrate but he did not make an adjudication, the magistrate before whom the proceedings are continued shall put the accused to his election in accordance with section 468, and the proceedings shall, in all respects, be continued in accordance with this Part as if the accused were appearing before a magistrate for the first time upon the charge laid against him.

Record of
plea or verdict
of guilty.

482. (1) Where an accused who is tried under this Part pleads guilty to or is found guilty of an offence with which he is charged, the judge or magistrate, as the case may be, shall cause a conviction in Form 31 to be drawn up and shall sentence the accused or otherwise deal with him in the manner authorized by law, and upon request shall make out and deliver to the prosecutor or to the accused a certified copy of the conviction.

Discharge
and record of
acquittal.

(2) Where an accused who is tried under this Part is found not guilty of an offence with which he is charged, the judge or magistrate, as the case may be, shall immediately discharge him in respect of that offence and shall cause an order in Form 33 to be drawn up, and upon request shall make out and deliver to the accused a certified copy of the order.

Transmission
of record by
magistrate.

(3) Where an accused elects to be tried by a magistrate under this Part, the magistrate shall transmit the written charge, the memorandum of adjudication and the conviction, if any, into such custody as the Attorney General may direct.

Proof of
conviction or
dismissal.

(4) A copy of a conviction or of an order, certified by the judge or by the proper officer of the court, or by the magistrate, as the case may be, or proved to be a true copy, is, upon proof of the identity of the person, sufficient

evidence in any legal proceedings to prove the conviction of that person or the dismissal of a charge against him, as the case may be, for the offence mentioned therein.

(5) Where an accused other than a corporation is convicted, the judge or magistrate, as the case may be, shall issue or cause to be issued a warrant of committal in Form 18, and section 447 applies in respect of a warrant of committal issued under this subsection.

Warrant of committal.

483. A judge or magistrate acting under this Part may from time to time adjourn a trial until it is finally terminated.

Adjournment.

484. The provisions of Part XV relating to bail and transmission of the record by the magistrate where he holds a preliminary inquiry and the provisions of Parts XVII and XX, in so far as they are not inconsistent with this Part apply, *mutatis mutandis*, to proceedings under this Part.

Application of Parts XV, XVII and XX.

PART XVII

PROCEDURE BY INDICTMENT.

PREFERRING INDICTMENT.

485. For the purposes of this Part, finding an indictment includes

Finding indictment.

- (a) preferring an indictment, and
- (b) presentment of an indictment by a grand jury.

486. The prosecutor may prefer, before a court constituted with a grand jury, a bill of indictment against any person who has been committed for trial at that court in respect of

Prosecutor may prefer indictment

- (a) the charge on which that person was committed for trial, or
- (b) any charge founded on the facts disclosed by the evidence taken on the preliminary inquiry.

487. (1) A bill of indictment may be preferred

- (a) by the Attorney General or anyone by his direction, before the grand jury of any court constituted with a grand jury,
- (b) by anyone who has the written consent of the Attorney General, or the written consent of a judge of a court constituted with a grand jury, before the grand jury of the court specified in the consent, or
- (c) by order of a court constituted with a grand jury, before the grand jury of that court.

Attorney General may prefer indictment

Other person with consent.

Or by order.

Consent need
not be
averred.

(2) No reference is necessary in an indictment to a consent that is given or an order that is made under this section.

Saving.

(3) No objection shall be taken to an indictment for want of a consent or order required by this section unless it is taken by motion to quash the indictment before the accused is given in charge to the jury.

No indictment except
as provided.
Criminal
information
abolished.
No trial on
coroner's
inquisition.

488. (1) Except as provided in this Part no bill of indictment shall be preferred.

(2) No criminal information shall be laid or granted.

(3) No person shall be tried upon a coroner's inquisition.

Preferring
indictment
in certain
provinces.

489. (1) In the provinces of Quebec, Manitoba, Saskatchewan, Alberta and British Columbia and in the Yukon Territory and Northwest Territories it is not necessary to prefer a bill of indictment before a grand jury, but it is sufficient if the trial of an accused is commenced by an indictment in writing setting forth the offence with which he is charged.

Who may
prefer.

(2) An indictment under subsection (1) may be preferred by the Attorney General or his agent, by the Deputy Attorney General, or by any person with the written consent of a judge of the court or of the Attorney General or, in any province to which this section applies, by order of the court.

Attorney
General
may direct
stay.

490. The Attorney General or counsel instructed by him for the purpose may, at any time after an indictment has been found and before judgment, direct the clerk of the court to make an entry on the record that the proceedings are stayed by his direction, and when the entry is made all proceedings on the indictment shall be stayed accordingly and any recognizance relating to the proceedings is vacated.

Form of
indictment.

491. An indictment is sufficient if it is on paper and is in Form 3 or 4, as the case may be.

GENERAL PROVISIONS AS TO COUNTS.

Substance
of offence.

492. (1) Each count in an indictment shall in general apply to a single transaction and shall contain and is sufficient if it contains in substance a statement that the accused committed an indictable offence therein specified.

(2) The statement referred to in subsection (1) may be

In popular
language.

(a) in popular language without technical averments or allegations of matters that are not essential to be proved,

(b) in the words of the enactment that describes the offence or declares the matters charged to be an indictable offence, or In words of enactment.

(c) in words that are sufficient to give to the accused notice of the offence with which he is charged. Or otherwise.

(3) A count shall contain sufficient detail of the circumstances of the alleged offence to give to the accused reasonable information with respect to the act or omission to be proved against him and to identify the transaction referred to, but otherwise the absence or insufficiency of details does not vitiate the count. Details of circumstances

(4) Where an accused is charged with an offence under section 47 or sections 49 to 53, every overt act that is to be relied upon shall be stated in the indictment. Indictment for treason.

(5) A count may refer to any section, subsection, paragraph or subparagraph of the enactment that creates the offence charged, and for the purpose of determining whether a count is sufficient, consideration shall be given to any such reference. Reference to section.

(6) Nothing in this Part relating to matters that do not render a count insufficient shall be deemed to restrict or limit the application of this section. General provisions not restricted.

493. No count in an indictment is insufficient by reason of the absence of details where, in the opinion of the court, the count otherwise fulfils the requirements of section 492 and, without restricting the generality of the foregoing, no count in an indictment is insufficient by reason only that Certain omissions not grounds for objection.

(a) it does not name the person injured or intended or attempted to be injured,

(b) it does not name the person who owns or has a special property or interest in property mentioned in the count,

(c) it charges an intent to defraud without naming or describing the person whom it was intended to defraud,

(d) it does not set out any writing that is the subject of the charge,

(e) it does not set out the words used where words that are alleged to have been used are the subject of the charge,

(f) it does not specify the means by which the alleged offence was committed,

(g) it does not name or describe with precision any person, place or thing, or

(h) it does not, where the consent of a person, official or authority is required before proceedings may be instituted for an offence, state that the consent has been obtained.

SPECIAL PROVISIONS AS TO COUNTS.

Sufficiency
of count
charging
libel.

494. (1) No count for publishing a blasphemous, seditious or defamatory libel, or for selling or exhibiting an obscene book, pamphlet, newspaper or other written matter, is insufficient by reason only that it does not set out the words that are alleged to be libellous or the writing that is alleged to be obscene.

Specifying
sense.

(2) A count for publishing a libel may charge that the published matter was written in a sense that by innuendo made the publication thereof criminal, and may specify that sense without any introductory assertion to show how the matter was written in that sense.

Proof.

(3) It is sufficient, on the trial of a count for publishing a libel, to prove that the matter published was libellous, with or without innuendo.

Sufficiency
of count
charging
Perjury, etc.

495. No count that charges

(a) perjury,

(b) the making of a false oath or a false statement,

(c) fabricating evidence, or

(d) procuring the commission of an offence mentioned in paragraph (a), (b) or (c),

is insufficient by reason only that it does not state the nature of the authority of the tribunal before which the oath or statement was taken or made, or the subject of the inquiry, or the words used or the evidence fabricated, or that it does not expressly negative the truth of the words used.

Sufficiency of
count relating
to fraud.

496. No count that alleges false pretences, fraud or an attempt or conspiracy by fraudulent means, is insufficient by reason only that it does not set out in detail the nature of the false pretence, fraud or fraudulent means.

PARTICULARS.

What may
be ordered.

497. (1) The court may, where it is satisfied that it is necessary for a fair trial, order the prosecutor to furnish particulars and, without restricting the generality of the foregoing, may order the prosecutor to furnish particulars

(a) of what is relied upon in support of a charge of perjury, the making of a false oath or of a false statement, fabricating evidence or counselling or procuring the commission of any of those offences:

(b) of any false pretence or fraud that is alleged;

(c) of any alleged attempt or conspiracy by fraudulent means;

- (d) setting out the passages in a book, pamphlet, newspaper or other printing or writing that are relied upon in support of a charge of selling or exhibiting an obscene book, pamphlet, newspaper, printing or writing;
- (e) further describing any writing or words that are the subject of a charge;
- (f) further describing the means by which an offence is alleged to have been committed; or
- (g) further describing a person, place or thing referred to in an indictment.

(2) For the purpose of determining whether or not a particular is required, the court may give consideration to any evidence that has been taken. Regard to evidence.

(3) Where a particular is delivered pursuant to this section,

- (a) a copy shall be given without charge to the accused or his counsel, Copy to accused.
- (b) the particular shall be entered in the record, and Recording.
- (c) the trial shall proceed in all respects as if the indictment had been amended to conform with the particular. Effect of.

OWNERSHIP OF PROPERTY.

498. The real and personal property of which a person has, by law, the management, control or custody shall, for the purposes of an indictment or proceeding against any other person for an offence committed on or in respect of the property, be deemed to be the property of the person who has the management, control or custody of it. Ownership.

JOINDER OR SEVERANCE OF COUNTS.

499. No count that charges an offence other than murder shall be joined in an indictment to a count that charges murder. Count for murder to stand alone.

500. (1) A count is not objectionable by reason only that Offences may be charged in the alternative.

- (a) it charges in the alternative several different matters, acts or omissions that are stated in the alternative in an enactment that describes as an indictable offence the matters, acts or omissions charged in the count, or
- (b) it is double or multifarious.

(2) An accused may at any stage of his trial apply to the court to amend or to divide a count that Application to amend or divide counts.

- (a) charges in the alternative different matters, acts or omissions that are stated in the alternative in the enactment that describes the offence or declares that the matters, acts or omissions charged are an indictable offence, or

(b) is double or multifarious, on the ground that, as framed, it embarrasses him in his defence.

Order. (3) The court may, where it is satisfied that the ends of justice require it, order that a count be amended or divided into two or more counts, and thereupon a formal commencement may be inserted before each of the counts into which it is divided.

Joinder of counts.

501. (1) Subject to section 499, any number of counts for any number of indictable offences may be joined in the same indictment, but the counts shall be distinguished in the manner shown in Forms 3 and 4.

Each count separate.

(2) Where there is more than one count in an indictment, each count may be treated as a separate indictment.

Separate trial.

(3) The court may, where it is satisfied that the ends of justice require it, direct that the accused be tried separately upon one or more of the counts.

Order for severance.

(4) An order for the separate trial of one or more counts in an indictment may be made before or during the trial, but if the order is made during the trial the jury shall be discharged from giving a verdict on the counts on which the trial does not proceed.

Subsequent procedure.

(5) The counts in respect of which a jury is discharged pursuant to subsection (4) may subsequently be proceeded upon in all respects as if they were contained in a separate indictment.

JOINDER OF ACCUSED IN CERTAIN CASES.

Accessories after the fact.

502. Any one who is charged with being an accessory after the fact to any offence may be indicted, whether or not the principal or any other party to the offence has been indicted or convicted or is or is not amenable to justice.

Trial of persons jointly for having in possession.

503. (1) Any number of persons may be charged in the same indictment with an offence under section 296 or paragraph (b) of subsection (1) of section 298, notwithstanding that

(a) the property was had in possession at different times; or

(b) the person by whom the property was obtained
(i) is not indicted with them, or
(ii) is not in custody or is not amenable to justice.

Conviction of one or more.

(2) Where, pursuant to subsection (1), two or more persons are charged in the same indictment with an offence referred to in that subsection, any one or more of those persons who separately committed the offence in respect of the property or any part of it may be convicted.

PROCEEDINGS BEFORE GRAND JURY.

504. Every person who appears before a grand jury to give evidence in support of a bill of indictment shall be examined touching the matters in question upon oath to be administered by the foreman of the grand jury or by any member who acts on his behalf. Evidence under oath.

505. The name of every witness who is examined or whom it is intended to examine shall be endorsed on the bill of indictment and submitted to the grand jury by the prosecutor, and no other witnesses shall be examined by or before the grand jury unless the presiding judge otherwise orders in writing. Endorsing bill of indictment.

506. The foreman of the grand jury or any member of the grand jury who acts on his behalf shall write his initials against the name of each witness who is sworn and examined with respect to the bill of indictment. Foreman to initial names.

PROCEEDINGS WHEN PERSON INDICTED IS AT LARGE.

507. (1) Where an indictment has been found against a person who is at large, and that person does not appear or remain in attendance for his trial, the court before which the accused should have appeared or remained in attendance may, whether or not he is bound by recognizance to appear, issue a warrant for his arrest. Bench warrant.

(2) A warrant issued under subsection (1) may be in Form 15 and may be executed anywhere in Canada. Execution

CHANGE OF VENUE.

508. (1) A court before which an accused is or may be indicted, at any term or sittings thereof, or a judge who may hold or sit in that court, may at any time before or after an indictment is found, upon the application of the prosecutor or the accused, order the trial to be held in a territorial division in the same province other than that in which the offence would otherwise be tried if Application, how made.

(a) it appears expedient to the ends of justice, or

(b) a competent authority has directed that a jury is not to be summoned at the time appointed in a territorial division where the trial would otherwise by law be held.

(2) The court or judge may, in an order made upon an application by the prosecutor under subsection (1), prescribe conditions that he thinks proper with respect to the payment of additional expenses caused to the accused as a result of the change of venue. Conditions as to expense.

Transmission
of record.

(3) Where an order is made under subsection (1), the officer who has custody of the indictment, if any, and the writings and exhibits relating to the prosecution, shall transmit them forthwith to the clerk of the court before which the trial is ordered to be held, and all proceedings in the case shall be held or, if previously commenced, shall be continued in that court.

Idem.

(4) Where the writings and exhibits referred to in subsection (3) have not been returned to the court in which the trial was to be held at the time an order is made to change the place of trial, the person who obtains the order shall serve a true copy thereof upon the person in whose custody they are and that person shall thereupon transmit them to the clerk of the court before which the trial is to be held.

Order is authority to remove prisoner.

509. An order that is made under section 508 is sufficient warrant, justification and authority to all sheriffs, keepers of prisons and peace officers for the removal, disposal and reception of an accused in accordance with the terms of the order, and the sheriff may appoint and authorize any peace officer to convey the accused to a prison in the territorial division in which the trial is ordered to be held.

AMENDMENT.

Amending defective indictment or count.

510. (1) An objection to an indictment or to a count in an indictment for a defect apparent on the face thereof shall be taken by motion to quash the indictment or count before the accused has pleaded, and thereafter only by leave of the court or judge before whom the trial takes place, and a court or judge before whom an objection is taken under this section may, if it is considered necessary, order the indictment or count to be amended to cure the defect.

Amendment where variance.

(2) A court may, upon the trial of an indictment, amend the indictment or a count thereof or a particular that is furnished under section 497, to make the indictment, count or particular conform to the evidence, where there appears to be a variance between the evidence and

(a) the charge in a count in the indictment as found;

or

(b) the charge in a count in the indictment

(i) as amended, or

(ii) as it would have been if it had been amended in conformity with any particular that has been furnished pursuant to section 497.

(3) A court shall, upon the arraignment of an accused, or at any stage of the trial, amend the indictment or a count thereof as may be necessary where it appears

- (a) that the indictment has been preferred
 (i) under another Act of the Parliament of Canada instead of this Act, or
 (ii) under this Act instead of another Act of the Parliament of Canada;

Indictment
under wrong
Act.

- (b) that the indictment or a count thereof
 (i) fails to state or states defectively anything that is requisite to constitute the offence,
 (ii) does not negative an exception that should be negated,

Amending
defective
statement

(iii) is in any way defective in substance,
 and the matters to be alleged in the proposed amendment are disclosed by the evidence taken on the preliminary inquiry or on the trial; or

Defect in
substance.

- (c) that the indictment or a count thereof is in any way defective in form.

Defect
in form.

(4) The court shall, in considering whether or not an amendment should be made, consider

What to
be considered.

(a) the matters disclosed by the evidence taken on the preliminary inquiry,

(b) the evidence taken on the trial, if any,

(c) the circumstances of the case,

(d) whether the accused has been misled or prejudiced in his defence by a variance, error or omission mentioned in subsection (2) or (3), and

(e) whether, having regard to the merits of the case, the proposed amendment can be made without injustice being done.

(5) Where, in the opinion of the court, the accused has been misled or prejudiced in his defence by a variance, error or omission in an indictment or a count thereof, the court may, if it is of opinion that the misleading or prejudice may be removed by an adjournment, adjourn the trial to a subsequent day in the same sittings or to the next sittings of the court and may make such an order with respect to the payment of costs resulting from the necessity for amendment as it considers desirable.

Adjournment
if accused
prejudiced.

(6) The question whether an order to amend an indictment or a count thereof should be granted or refused is a question of law.

Question of
law.

(7) An order to amend an indictment or a count thereof shall be endorsed on the indictment as part of the record and the trial shall proceed as if the indictment or count had been originally found as amended.

Endorsing
indictment.

(8) A mistake in the heading of an indictment shall be corrected as soon as it is discovered but, whether corrected or not, is not material.

Mistakes not
material.

Limitation.

(9) The authority of a court to amend indictments does not authorize the court to add to the overt acts stated in an indictment for treason or for an offence against any provision in sections 49, 50, 51 and 53.

Amended indictment need not be presented to grand jury.

511. Where a grand jury returns a true bill in respect of an indictment and the indictment is subsequently amended in accordance with section 510, it is not necessary, unless the judge otherwise directs, to present the amended indictment to the grand jury, but the indictment, as amended, shall be deemed to be as valid in all respects for all purposes of the proceedings as if it had been returned by the grand jury in its amended form.

INSPECTION AND COPIES OF DOCUMENTS.

Right of accused.

512. An accused is entitled, after he has been committed for trial or at his trial,

To inspect.

(a) to inspect without charge the indictment, his own statement, the evidence and the exhibits, if any; and

To receive copies.

(b) to receive, on payment of a reasonable fee not to exceed ten cents per folio of one hundred words, a copy

(i) of the evidence,

(ii) of his own statement, if any, and

(iii) of the indictment,

but the trial shall not be postponed to enable the accused to secure copies unless the court is satisfied that the failure of the accused to secure them before the trial is not attributable to lack of diligence on the part of the accused.

Delivery of documents in case of treason, etc.

513. (1) An accused who is indicted for treason or for being an accessory after the fact to treason is entitled to receive, after the indictment has been found and at least ten days before his arraignment,

(a) a copy of the indictment,

(b) a list of the witnesses to be produced on the trial to prove the indictment, and

(c) a copy of the panel of jurors who are to try him, returned by the sheriff.

Details.

(2) The list of the witnesses and the copy of the panel of the jurors referred to in subsection (1) shall mention the names, occupations and places of abode of the witnesses and jurors respectively.

Witnesses to delivery

(3) The writings referred to in subsection (1) shall be given to the accused at the same time and in the presence of at least two witnesses.

(4) This section does not apply to the offence of treason by killing Her Majesty, or to the offence of treason where the overt act alleged is an attempt to injure the person of Her Majesty in any manner or to the offence of being an accessory after the fact in such a case of treason. Exception

514. (1) A judge of a superior court of criminal jurisdiction or of a court of criminal jurisdiction may, on summary application on behalf of the accused or the prosecutor, after three days' notice to the accused or prosecutor, as the case may be, order the release of any exhibit for the purpose of a scientific or other test or examination, subject to such terms as appear to be necessary or desirable to ensure the safeguarding of the exhibit and its preservation for use at the trial. Release of exhibits for examination or test.

(2) Every one who fails to comply with the terms of an order that is made under subsection (1) is guilty of contempt of court and may be dealt with summarily by the judge or magistrate who made the order or before whom the trial of the accused takes place. Disobeying order.

PLEAS.

515. (1) An accused who is called upon to plead may plead guilty or not guilty, or the special pleas authorized by this Part and no others. Pleas permitted

(2) Where the accused refuses to plead or does not answer directly the court shall order the clerk of the court to enter a plea of not guilty. Refusal to plead.

(3) An accused is not entitled as of right to have his trial postponed but the court may, if it considers that the accused should be allowed further time to plead, move to quash, or prepare for his defence or for any other reason, adjourn the trial to a later time in the session or sittings of the court, or to the next or any subsequent session or sittings of the court, upon such terms as the court considers proper. Allowing time to plead.

516. (1) An accused may plead the special pleas of Special pleas.
 (a) *autrefois acquit*,
 (b) *autrefois convict*, and
 (c) pardon.

(2) An accused who is charged with defamatory libel may plead in accordance with sections 520 and 521. In case of libel.

(3) The pleas of *autrefois acquit*, *autrefois convict* and pardon shall be disposed of by the judge without a jury before the accused is called upon to plead further. Disposal.

(4) When the pleas referred to in subsection (3) are disposed of against the accused he may plead guilty or not guilty. Pleading over.

Statement
sufficient.

(5) Where an accused pleads *autrefois acquit* or *autrefois convict* it is sufficient if he

(a) states that he has been lawfully acquitted or convicted, as the case may be, of the offence charged in the count to which the plea relates, and

(b) indicates the time and place of the acquittal or conviction.

Evidence
of identity
of charges.

517. Where an issue on a plea of *autrefois acquit* or *autrefois convict* is tried, the evidence and adjudication and the notes of the judge and official stenographer on the former trial and the record transmitted to the court pursuant to section 462 on the charge that is pending before that court, are admissible in evidence to prove or to disprove the identity of the charges.

What
determines
identity.

518. (1) Where an issue on a plea of *autrefois acquit* or *autrefois convict* to a count is tried and it appears

(a) that the matter on which the accused was given in charge on the former trial is the same in whole or in part as that on which it is proposed to give him in charge, and

(b) that on the former trial, if all proper amendments had been made that might then have been made, he might have been convicted of all the offences of which he may be convicted on the count to which the plea of *autrefois acquit* or *autrefois convict* is pleaded, the judge shall give judgment discharging the accused in respect of that count.

Allowance of
special plea
in part.

(2) The following provisions apply where an issue on a plea of *autrefois acquit* or *autrefois convict* is tried, namely,

(a) where it appears that the accused might on the former trial have been convicted of an offence of which he may be convicted on the count in issue, the judge shall direct that the accused shall not be found guilty of any offence of which he might have been convicted on the former trial, and

(b) where it appears that the accused may be convicted on the count in issue of an offence of which he could not have been convicted on the former trial, the accused shall plead guilty or not guilty with respect to that offence.

Circum-
stances of
aggravation.

519. (1) Where an indictment charges substantially the same offence as that charged in an indictment on which an accused was previously convicted or acquitted, but adds a statement of intention or circumstances of aggravation tending, if proved, to increase the punishment, the previous conviction or acquittal bars the subsequent indictment.

(2) A conviction or acquittal on an indictment for murder bars a subsequent indictment for the same homicide charging it as manslaughter or infanticide, and a conviction or acquittal on an indictment for manslaughter or infanticide bars a subsequent indictment for the same homicide charging it as murder.

Effect of previous charge of murder or manslaughter.

(3) A conviction or acquittal on an indictment for infanticide bars a subsequent indictment for the same homicide charging it as manslaughter, and a conviction or acquittal on an indictment for manslaughter bars a subsequent indictment for the same homicide charging it as infanticide.

Effect of previous charge of infanticide or manslaughter.

520. (1) An accused who is charged with publishing a defamatory libel may plead that the defamatory matter published by him was true, and that it was for the public benefit that the matter should have been published in the manner in which and at the time when it was published.

Libel, plea of justification.

(2) A plea that is made under subsection (1) may justify the defamatory matter in any sense in which it is specified in the count, or in the sense that the defamatory matter bears without being specified, or separate pleas justifying the defamatory matter in each sense may be pleaded separately to each count as if two libels had been charged in separate counts.

Where more than one sense alleged.

(3) A plea that is made under subsection (1) shall be in writing, and shall set out the particular facts by reason of which it is alleged to have been for the public good that the matter should have been published.

Plea in writing.

(4) The prosecutor may in his reply deny generally the truth of a plea that is made under this section.

Reply.

521. (1) The truth of the matters charged in an alleged libel shall not be inquired into in the absence of a plea of justification under section 520 unless the accused is charged with publishing the libel knowing it to be false, in which case evidence of the truth may be given to negative the allegation that the accused knew that the libel was false.

Plea of justification necessary to try truth.

(2) The accused may, in addition to a plea that is made under section 520, plead not guilty and the pleas shall be inquired into together.

Not guilty, in addition.

(3) Where a plea of justification is pleaded and the accused is convicted, the court may, in pronouncing sentence, consider whether the guilt of the accused is aggravated or mitigated by the plea.

Effect of plea on punishment.

522. Any ground of defence for which a special plea is not provided by this Act may be relied upon under the plea of not guilty.

Plea of not guilty.

DEFENCE OF INSANITY.

Insanity of
accused when
offence com-
mitted.

523. (1) Where, upon the trial of an accused who is charged with an indictable offence, evidence is given that the accused was insane at the time the offence was committed and the accused is acquitted,

Special
finding.

(a) the jury, or

(b) the judge or magistrate, where there is no jury, shall find whether the accused was insane at the time the offence was committed and shall declare whether he is acquitted on account of insanity.

Custody
after
finding.

(2) Where the accused is found to have been insane at the time the offence was committed, the court, judge or magistrate before whom the trial is held shall order that he be kept in strict custody in the place and in the manner that the court, judge or magistrate directs, until the pleasure of the Lieutenant-Governor of the province is known.

Insanity at
time of trial.

524. (1) A court, judge or magistrate may, at any time before verdict, where it appears that there is sufficient reason to doubt that the accused is, on account of insanity, capable of conducting his defence, direct that an issue be tried whether the accused is then, on account of insanity, unfit to stand his trial.

Trial of issue.

(2) For the purposes of subsection (1), the following provisions apply, namely,

(a) where the accused is to be tried by a court composed of a judge and jury,

(i) if the issue is directed before the accused is given in charge to a jury for trial on the indictment, it shall be tried by twelve jurors, or in the Province of Alberta, by six jurors, and

(ii) if the issue is directed after the accused has been given in charge to a jury for trial on the indictment, the jury shall be sworn to try that issue in addition to the issue on which they are already sworn; and

(b) where the accused is to be tried by a judge or magistrate, he shall try the issue and render a verdict.

If sane,
trial proceeds.

(3) Where the verdict is that the accused is not unfit on account of insanity to stand his trial, the arraignment or the trial shall proceed as if no such issue had been directed.

If insane,
order for
custody

(4) Where the verdict is that the accused is unfit on account of insanity to stand his trial, the court, judge or magistrate shall order that the accused be kept in custody until the pleasure of the Lieutenant-Governor of the province is known, and any plea that has been pleaded shall be set aside and the jury shall be discharged.

Subsequent
trial.

(5) No proceeding pursuant to this section shall prevent the accused from being tried subsequently on the indictment.

525. Where an accused who is charged with an indictable offence is brought before a court, judge or magistrate to be discharged for want of prosecution and the accused appears to be insane, the court, judge or magistrate shall proceed in accordance with section 524 in so far as that section may be applied.

Insanity of accused to be discharged for want of prosecution.

526. Where an accused is, pursuant to this Part, found to be insane, the Lieutenant-Governor of the province may make an order for the safe custody of the accused in the place and in the manner that he may direct.

Custody of insane persons.

527. (1) The Lieutenant-Governor of a province may, upon evidence satisfactory to him that a person who is insane, mentally ill, mentally deficient or feeble-minded is in custody in a prison in that province, order that the person be removed to a place of safe-keeping to be named in the order.

Prisoner mentally ill.

(2) A person who is removed to a place of safe-keeping under an order made pursuant to subsection (1) shall, subject to subsections (3) and (4), be kept in that place or in any other place of safe-keeping in which, from time to time, he may be ordered by the Lieutenant-Governor to be kept.

Custody in safe-keeping.

(3) Where the Lieutenant-Governor is satisfied that a person to whom subsection (2) applies has recovered, he may order that the person

Order for imprisonment or discharge.

(a) be returned to the prison from which he was removed pursuant to subsection (1), if he is liable to further custody in prison, or

(b) be discharged, if he is not liable to further custody in prison.

(4) Where the Lieutenant-Governor is satisfied that a person to whom subsection (2) applies has partially recovered, he may, where the person is not liable to further custody in prison, order that the person shall be subject to the direction of the Minister of Health for the province, or such other person as the Lieutenant-Governor may designate, and the Minister of Health or other person designated may make any order or direction in respect of the custody and care of the person that he considers proper.

Order for transfer to custody of Minister of Health

(5) In this section, "prison" means a prison other than a penitentiary, and includes a reformatory school or industrial school.

"Prison".

CORPORATIONS.

528. Every corporation against which an indictment is found shall appear and plead by counsel or agent.

Appearance by attorney.

529. (1) The clerk of the court shall, where an indictment is found against a corporation, cause a notice of the indictment to be served upon the corporation.

Notice to corporation.

Contents of
notice.

(2) A notice of an indictment referred to in subsection (1) shall set out the nature and purport of the indictment and advise that, unless the corporation appears and pleads within seven days after service of the notice, a plea of not guilty will be entered for the accused by the court, and that the trial of the indictment will be proceeded with as though the corporation had appeared and pleaded.

How served.

(3) Where a corporation to which this section applies

(a) is a municipal corporation, the notice shall be served by delivering it to the mayor, treasurer or clerk of the corporation, or

(b) is a corporation other than a municipal corporation, the notice shall be served by delivering it to the manager, secretary or other executive officer of the corporation or of a branch thereof.

Procedure on
default of
appearance

530. Where a corporation does not appear in the court in which an indictment is found and plead within the time specified in the notice referred to in section 529, the presiding judge may, on proof by affidavit of service of the notice, order the clerk of the court to enter a plea of not guilty on behalf of the corporation, and the plea has the same force and effect as if the corporation had appeared by its counsel or agent and pleaded that plea.

Trial of
corporation

531. Where the corporation appears and pleads to the indictment or a plea of not guilty is entered by order of the court pursuant to section 530, the court shall proceed with the trial of the indictment and, where the corporation is convicted, section 623 applies.

RECORD OF PROCEEDINGS.

How
recorded.

532. (1) It is sufficient, in making up the record of a conviction or acquittal on an indictment, to copy the indictment and the plea that was pleaded, without a formal caption or heading.

Record of
proceedings.

(2) The court shall keep a record of every arraignment and of proceedings subsequent to arraignment.

Form of
record in
case of
amendment.

533. Where it is necessary to draw up a formal record in proceedings in which the indictment has been amended, the record shall be drawn up in the form in which the indictment remained after the amendment, without reference to the fact that the indictment was amended.

JURIES.

Qualification
of juror.

534. (1) A person who is qualified and summoned as a grand or petit juror according to the laws in force for the time being in a province is qualified to serve as a grand or petit juror, as the case may be, in criminal proceedings in that province.

(2) Where the panel of grand jurors is not more than thirteen, seven grand jurors may find a true bill. Seven may find bill.

MIXED JURIES.

535. (1) In those districts in the province of Quebec in which the sheriff is required by law to return a panel of petit jurors composed one-half of persons who speak the English language and one-half of persons who speak the French language, he shall in his return specify in separate lists those jurors whom he returns as speaking the English language and those whom he returns as speaking the French language, and the names of the jurors summoned shall be called alternately from those lists. Mixed juries in Quebec.

(2) In any district referred to in subsection (1) the accused may, upon arraignment, move that he be tried by a jury composed entirely of jurors who speak the language of the accused if that language is English or French. Motion by accused

(3) Where a motion is made under subsection (2), the judge may order the sheriff to summon a sufficient panel of jurors who speak the language of the accused unless, in his discretion, it appears that the ends of justice are better served by empanelling a mixed jury. Order for panel.

536. (1) Where an accused who is arraigned before the Court of Queen's Bench for Manitoba demands a jury composed at least half of persons who speak the language of the accused, if that language is either English or French, he shall be tried by a jury composed at least one-half of the persons whose names stand first in succession upon the general panel and who, not being lawfully challenged, are found, in the judgment of the court, to speak the language of the accused. Mixed juries in Manitoba.

(2) Where, as a result of challenges or any other cause there is, in proceedings to which this section applies, a deficiency of persons who speak the language of the accused, the court shall fix another time for the trial, and the sheriff shall remedy the deficiency by summoning, for the time so fixed, the additional number of jurors who speak the language of the accused that the court orders and whose names appear next in succession on the list of petit jurors. When panel exhausted.

CHALLENGING THE ARRAY.

537. Where an objection is taken to the constitution of a grand jury it shall be taken by motion to the court, but an indictment shall be quashed pursuant thereto only if the judge is of opinion that Objection to constitution of grand jury.

(a) the objection is well founded, and

(b) the accused has suffered or may suffer prejudice in the circumstances of which he complains.

Challenging
the array.

538. (1) The accused or the prosecutor may challenge the array of petit jurors only on the ground of partiality, fraud or wilful misconduct on the part of the sheriff or his deputies by whom the panel was returned.

In writing.

(2) A challenge under subsection (1) shall be in writing and shall state that the person who returned the panel was partial or fraudulent or that he wilfully misconducted himself, as the case may be.

Form

(3) A challenge under this section may be in Form 36.

Trying
ground of
challenge.

539. Where a challenge is made under section 538, the judge shall determine whether the alleged ground of challenge is true or not, and where he is satisfied that the alleged ground of challenge is true he shall direct a new panel to be returned.

EMPANELLING JURY.

Names of
jurors on
cards.

540. (1) The name of each juror on a panel of petit jurors that has been returned, his number on the panel and the place of his abode, shall be written on a separate card, and all the cards shall, as far as possible, be of equal size.

To be placed
in box.

(2) The sheriff or other officer who returns the panel shall deliver the cards referred to in subsection (1) to the clerk of the court who shall cause them to be placed together in a box to be provided for the purpose and to be thoroughly shaken together.

To be drawn
by clerk of
court.

(3) Where

(a) the array is not challenged, or

(b) the array is challenged but the judge does not direct a new panel to be returned,

the clerk of the court shall, in open court, draw out the cards referred to in subsection (2) one after another, and shall call out the name and number upon each card as it is drawn, until the number of persons who have answered to their names is, in the opinion of the judge, sufficient to provide a full jury after allowing for challenges and directions to stand by.

Juror to be
sworn.

(4) The clerk of the court shall swear each member of the jury in the order in which the names of the jurors were drawn.

Drawing
additional
names if
necessary

(5) Where the number of persons who answer to their names is not sufficient to provide a full jury, the clerk of the court shall proceed in accordance with subsections (3) and (4) until twelve jurors are sworn.

Challenges by
accused in
Alberta and
Territories.

541. Notwithstanding anything in this Act, six jurors shall be sworn in the Province of Alberta and in the Yukon Territory and the Northwest Territories, and in that province and those Territories the accused is entitled to half

the number of challenges provided for in section 542, and the prosecutor may not direct more than twenty-four jurors to stand by unless the presiding judge, for special cause to be shown, so orders.

542. (1) An accused who is charged with an offence punishable with death is entitled to challenge twenty jurors peremptorily.

Peremptory challenges by accused. Twenty in certain cases.

(2) An accused who is charged with an offence other than an offence punishable with death, for which he may be sentenced to imprisonment for more than five years, is entitled to challenge twelve jurors peremptorily.

Twelve in certain cases.

(3) An accused who is charged with an offence that is not referred to in subsection (1) or (2) is entitled to challenge four jurors peremptorily.

Four in other cases.

543. (1) The prosecutor is entitled to challenge four jurors peremptorily, and may direct any number of jurors who are not challenged peremptorily by the accused to stand by until all the jurors have been called who are available for the purpose of trying the indictment.

Challenge by prosecutor.

Direction to stand by.

(2) Notwithstanding subsection (1), the prosecutor may not direct more than forty-eight jurors to stand by unless the presiding judge, for special cause to be shown, so orders.

Limitation.

(3) The accused may be called upon to declare whether he challenges a juror peremptorily or for cause before the prosecutor is called upon to declare whether he requires the juror to stand by, or challenges him peremptorily or for cause.

Accused to challenge first if required.

544. Where an accused who is charged with an offence for which he is entitled to twenty or twelve peremptory challenges in accordance with this Part is to be tried pursuant to section 535 or 536 by a jury composed one-half of persons who speak the language of the accused, he is entitled to exercise one-half of those challenges in respect of the jurors who speak English and one-half in respect of the jurors who speak French.

Peremptory challenges in case of mixed jury

545. Where two or more accused persons are jointly charged in an indictment and it is proposed to try them together each may make his challenges in the same manner as if he were to be tried alone.

Challenges where tried jointly.

546. A prosecutor other than the Attorney General or counsel acting on his behalf is not entitled, on the trial of an indictment for the publication of a defamatory libel, to direct a juror to stand by.

Standing by in libel cases.

Challenge for
cause.

547. (1) A prosecutor or an accused is entitled to any number of challenges on the ground that

- (a) the name of a juror does not appear on the panel, but no misnomer or misdescription is a ground of challenge where it appears to the court that the description given on the panel sufficiently designates the person referred to,
- (b) a juror is not indifferent between the Queen and the accused,
- (c) a juror has been convicted of an offence for which he was sentenced to death or to a term of imprisonment exceeding twelve months,
- (d) a juror is an alien, or
- (e) a juror is physically unable to perform properly the duties of a juror.

No other
ground.

(2) No challenge for cause shall be allowed on a ground not mentioned in subsection (1).

Challenge in
writing.

548. (1) Where a challenge is made on a ground mentioned in section 547, the court may, in its discretion, require the party that challenges to put the challenge in writing.

Form

(2) A challenge may be in Form 37.

Denial.

(3) A challenge may be denied by the other party to the proceedings on the ground that it is not true.

Objection
that name
not on panel.

549. (1) Where the ground of a challenge is that the name of a juror does not appear on the panel, the issue shall be tried by the judge on the *voir dire* by the inspection of the panel, and such other evidence that the judge thinks fit to receive.

Other
grounds.

(2) Where the ground of a challenge is one not mentioned in subsection (1), the two jurors who were last sworn, or if no jurors have then been sworn, two persons present whom the court may appoint for the purpose, shall be sworn to determine whether the ground of challenge is true.

If challenge
not sustained.
If challenge
sustained.

(3) Where the finding, pursuant to subsection (1) or (2) is that the ground of challenge is not true, the juror shall be sworn, but if the finding is that the ground of challenge is true, the juror shall not be sworn.

Disagreement
of triers.

(4) Where, after what the court considers to be a reasonable time, the two persons who are sworn to determine whether the ground of challenge is true are unable to agree, the court may discharge them from giving a verdict and may direct two other persons to be sworn to determine whether the ground of challenge is true.

Calling jurors
who have
stood by

550. (1) Where, as a result of challenges and directions to stand by, a full jury has not been sworn and no names remain to be called, the names of those who have been directed to stand by shall be called again in the order in which their

names were drawn and they shall be sworn, unless challenged by the accused, or unless the prosecutor challenges them or shows cause why they should not be sworn.

(2) Where, before a juror is sworn pursuant to subsection (1), other jurors in the panel become available, the prosecutor may require the names of those jurors to be put into and drawn from the box in accordance with section 540, and those jurors shall be challenged, ordered to stand by or sworn, as the case may be, before the names of the jurors who were originally ordered to stand by are called again.

Other jurors becoming available.

551. (1) Where a full jury cannot be provided notwithstanding that the relevant provisions of this Part have been complied with, the court may, at the request of the prosecutor, order the sheriff or other proper officer forthwith to summon as many persons, whether qualified jurors or not, as the court directs for the purpose of providing a full jury.

Panel exhausted, summoning other jurors.

(2) Jurors may be summoned under subsection (1) by word of mouth, if necessary.

Orally.

(3) The names of the persons who are summoned under this section shall be added to the general panel for the purposes of the trial, and the same proceedings shall be taken with respect to calling and challenging those persons and directing them to stand by as are provided in this Part with respect to the persons named in the original panel.

Adding names to panel.

552. (1) The twelve jurors, or in the province of Alberta, the Yukon Territory and the Northwest Territories the six jurors, whose names are drawn and who are sworn in accordance with this Part, shall be the jury to try the issues of the indictment, and the names of the jurors so drawn and sworn shall be kept apart until the jury gives its verdict or until it is discharged, whereupon the names shall be returned to the box as often as occasion arises, as long as an issue remains to be tried before a jury.

Who shall be jury.

Returning names to box.

(2) The court may try an issue with the same jury in whole or in part that previously tried or was drawn to try another issue, without the jurors being sworn again, but if the prosecutor or the accused objects to any of the jurors or the court excuses any of the jurors, the court shall order those persons to withdraw and shall direct that the required number of names to make up a full jury be drawn and, subject to the provisions of this Part relating to challenges and directions to stand by, the persons whose names are drawn shall be sworn.

Same jury may try another issue by consent.

(3) No omission to follow the directions of this section or section 540 or 550 affects the validity of a proceeding.

Sections directory.

553. (1) Where in the course of a trial a member of the jury is, in the opinion of the judge, by reason of illness or some other cause, unable to continue to act, the judge may discharge him.

Juror unable to continue.

Trial may
continue.

(2) Where in the course of a trial a member of the jury dies or is discharged pursuant to subsection (1), the jury shall, if the prosecutor and the accused consent in writing and if the number of jurors is not reduced below ten, or in the province of Alberta, the Yukon Territory and the Northwest Territories below five, be deemed to remain properly constituted for all purposes of the trial and the trial shall proceed and a verdict may be given accordingly.

TRIAL.

Continuous
trial.

554. (1) The trial of an accused shall proceed continuously subject to adjournment by the court.

Adjournment.

(2) The judge may adjourn the trial from time to time in the same sittings.

Formal
adjournment
unnecessary.

(3) No formal adjournment of trial or entry thereof is required.

Questions
reserved for
decision.

(4) The judge, in any case tried without a jury, may reserve his final decision on any question raised at the trial, and his decision, when given, shall be deemed to have been given at the trial.

Taking
evidence.

555. On the trial of an accused for an indictable offence the evidence of the witnesses for the prosecutor and the accused shall be taken by a stenographer in accordance with the provisions of Part XV relating to the taking of evidence by stenographers at preliminary inquiries.

Separation of
jurors except
in capital
cases.

556. (1) The judge may, at any time before the jury retires to consider its verdict, permit the members of the jury to separate, but this subsection does not apply where an accused is liable, upon conviction, to be sentenced to death.

Keeping in
charge.

(2) Where permission to separate cannot be given or is not given the jury shall be kept under the charge of an officer of the court as the judge directs, and that officer shall prevent the jurors from communicating with anyone other than himself or another member of the jury without leave of the judge.

Saving.

(3) Failure to comply with subsection (2) does not affect the validity of the proceedings.

Empanelling
new jury in
certain cases

(4) Where the fact that there has been a failure to comply with this section is discovered before the verdict of the jury is returned the judge may, if he considers that the failure to comply might lead to a miscarriage of justice, discharge the jury and

(a) direct that the accused be tried with a new jury during the same session or sittings of the court, or

(b) postpone the trial on such terms as justice may require.

(5) The judge shall direct the sheriff to provide the jurors who are sworn with suitable and sufficient refreshment, food and lodging while they are together until they have given their verdict.

Refreshment
and accom-
modation.

557. (1) Subject to subsection (2), an accused other than a corporation shall be present in court during the whole of his trial.

Accused to be
present.

(2) The court may

Exceptions.

(a) cause the accused to be removed and to be kept out of court, where he misconducts himself by interrupting the proceedings so that to continue the proceedings in his presence would not be feasible, or

(b) permit the accused to be out of court during the whole or any part of his trial on such conditions as the court considers proper.

(3) An accused is entitled, after the close of the case for the prosecution, to make full answer and defence personally or by counsel.

To make
defence.

558. (1) Where an accused, or any one of several accused being tried together, is defended by counsel, the counsel shall, at the end of the case for the prosecution, declare whether or not he intends to adduce evidence on behalf of the accused for whom he appears and if he does not announce his intention to adduce evidence, the prosecutor may address the jury by way of summing up.

Summing up
by prosecutor.

(2) Counsel for the accused or the accused, where he is not defended by counsel, is entitled, if he thinks fit, to open the case for the defence, and after the conclusion of that opening to examine such witnesses as he thinks fit, and when all the evidence is concluded to sum up the evidence.

Summing up
by accused.

(3) Where no witnesses are examined for an accused, he or his counsel is entitled to address the jury last, but otherwise counsel for the prosecution is entitled to address the jury last.

Accused's
right of reply.

(4) Notwithstanding subsection (3) the Attorney General or counsel acting on his behalf is entitled to reply.

Attorney
General's
right to reply.

(5) Where two or more accused are tried jointly and witnesses are examined for any of them, all the accused or their respective counsel are required to address the jury before it is addressed by the prosecutor.

Prosecutor's
right of
reply where
more than
one accused.

559. (1) The judge may, where it appears to be in the interests of justice, at any time after the jury has been sworn and before they give their verdict, direct the jury to have a view of any place, thing or person, and shall give directions as to the manner in which, and the persons by whom, the place, thing or person shall be shown to the jury, and may for that purpose adjourn the trial.

View.

Directions
to prevent
communi-
cation.

(2) Where a view is ordered under subsection (1), the judge shall give any directions that he considers necessary for the purpose of preventing undue communication by any person with members of the jury, but failure to comply with any directions given under this subsection does not affect the validity of the proceedings.

Who shall
attend.

(3) Where a view is ordered under subsection (1) the accused and the judge shall attend.

Disagree-
ment of jury.

560. (1) Where the judge is satisfied that the jury is unable to agree upon its verdict and that further detention of the jury would be useless, he may in his discretion discharge that jury and direct a new jury to be empanelled during the sittings of the court, or may adjourn the trial on such terms as justice may require.

Discretion not
reviewable.

(2) A discretion that is exercised under subsection (1) by a judge is not reviewable.

Proceeding on
Sunday, etc.,
not invalid.

561. The taking of the verdict of a jury and any proceeding incidental thereto is not invalid by reason only that it is done on Sunday or on a holiday.

EVIDENCE ON TRIAL.

Admissions
at trial.

562. Where an accused is on trial for an indictable offence he or his counsel may admit any fact alleged against him for the purpose of dispensing with proof thereof.

Evidence
of stealing
ores or
minerals.

563. In any proceeding in respect of theft of ores or minerals, the possession, contrary to any law in that behalf, of smelted gold or silver, gold-bearing quartz, or unsmelted or unmanufactured gold or silver, by an operator, workman or labourer actively engaged in or on a mine, is *prima facie* evidence that the gold, silver or quartz was stolen by him.

Use in
evidence of
statement
by accused.

564. A statement made by an accused under subsection (2) of section 454 and purporting to be signed by the justice before whom it was made may be given in evidence against the accused at his trial without proof of the signature of the justice, unless it is proved that the justice by whom the statement purports to be signed did not sign it.

CHILDREN AND YOUNG PERSONS.

Proof
of age.

565. (1) In any proceedings to which this Act applies an entry or record of an incorporated society or its officers who have had the control or care of a child or young person at or about the time the child or young person was brought to Canada is *prima facie* evidence of the age of the child or young person if the entry or record was made before the time when the offence is alleged to have been committed.

(2) In the absence of other evidence, or by way of corroboration of other evidence, a jury, judge, justice or magistrate, as the case may be, may infer the age of a child or young person from his appearance.

Inference
from
appearance.

CORROBORATION.

566. No person shall be convicted of an offence upon the unsworn evidence of a child unless the evidence of the child is corroborated in a material particular by evidence that implicates the accused.

Unsworn
evidence
of child.

VERDICTS.

567. Where the complete commission of an offence charged is not proved but the evidence establishes an attempt to commit the offence, the accused may be convicted of the attempt.

Full offence
charged,
attempt
proved.

568. (1) Where an attempt to commit an offence is charged but the evidence establishes the commission of the complete offence, the accused is not entitled to be acquitted, but the jury may convict him of the attempt unless the judge presiding at the trial, in his discretion, discharges the jury from giving a verdict and directs that the accused be indicted for the complete offence.

Attempt
charged, full
offence
proved.

(2) An accused who is convicted under this section is not liable to be tried again for the offence that he was charged with attempting to commit.

Conviction a
bar.

569. (1) A count in an indictment is divisible and where the commission of the offence charged, as described in the enactment creating it or as charged in the count, includes the commission of another offence, whether punishable by indictment or on summary conviction, the accused may be convicted

Offence
charged, part
only proved.

(a) of an offence so included that is proved, notwithstanding that the whole offence that is charged is not proved, or

(b) of an attempt to commit an offence so included.

(2) Subject to subsection (3), where a count charges murder and the evidence proves manslaughter or infanticide but does not prove murder, the jury may find the accused not guilty of murder but guilty of manslaughter or infanticide, but shall not on that count find the accused guilty of any other offence.

Conviction
for infanticide
or man-
slaughter on
charge of
murder.

(3) Where a count charges the murder of a child or infanticide and the evidence proves the commission of an offence under section 215 but does not prove murder or infanticide, the jury may find the accused not guilty of murder or infanticide, as the case may be, but guilty of an offence under section 215.

Conviction
for con-
cealing body
of child
where
murder or
infanticide
charged.

No acquittal
unless act
or omission
not wilful.

570. Where a female person is charged with infanticide and the evidence establishes that she caused the death of her child but does not establish that, at the time of the act or omission by which she caused the death of the child,

(a) she was not fully recovered from the effects of giving birth to the child or from the effect of lactation consequent on the birth of the child, and

(b) the balance of her mind was, at that time, disturbed by reason of the effect of giving birth to the child or of the effect of lactation consequent on the birth of the child,

she may be convicted unless the evidence establishes that the act or omission was not wilful.

PREVIOUS CONVICTIONS.

No refer-
ence to
previous
conviction.

571. No indictment in respect of an offence for which, by reason of previous convictions, a greater punishment may be imposed shall contain any reference to previous convictions.

Previous
conviction.

572. (1) Where an accused is convicted of an offence for which a greater punishment may be imposed by reason of previous convictions, no greater punishment shall be imposed upon him by reason thereof unless the prosecutor satisfies the court that the accused, before making his plea, was notified that a greater punishment would be sought by reason thereof.

Procedure
where
previous
conviction
alleged.

(2) Where an accused is convicted of an offence for which a greater punishment may be imposed by reason of previous convictions, the court shall, upon application by the prosecutor and upon being satisfied that the accused was notified in accordance with subsection (1), ask the accused whether he was previously convicted and, if he does not admit that he was previously convicted, evidence of previous convictions may be adduced.

Corporations.

(3) Where, pursuant to section 531, the court proceeds with the trial of an accused corporation that has not appeared and pleaded to an indictment, the court may, if the accused is convicted, make inquiries with respect to previous convictions whether or not the accused was notified that a greater punishment would be sought by reason thereof.

Evidence
of character.

573. Where, at a trial, the accused adduces evidence of his good character the prosecutor may, in answer thereto, before a verdict is returned, adduce evidence of the previous conviction of the accused for any offences, including any previous conviction by reason of which a greater punishment may be imposed.

574. In any proceedings,

(a) a certificate setting out with reasonable particularity the conviction in Canada of an accused for an indictable offence, purporting to be signed by the person who made the conviction or by the clerk of the court, or

(b) a copy of the summary conviction in Canada of an accused, purporting to be signed by the person who made the conviction or by the clerk of the court to which it was returned,

Proof of
previous
conviction.

is, upon proof of the identity of the accused, *prima facie* evidence of the conviction of the accused without proof of the signature or official character of the person by whom it purports to be signed.

SENTENCE.

575. Where a jury finds an accused guilty, or where an accused pleads guilty, the judge who presides at the trial shall ask the accused whether he has anything to say before sentence is passed upon him, but an omission to comply with this section does not affect the validity of the proceedings.

Accused
found guilty
may speak
to sentence.

Saving.

576. Where one sentence is passed upon a verdict of guilty on two or more counts of an indictment, the sentence is good if any of the counts would have justified the sentence.

Sentence
justified
by any count.

577. (1) A female person who is sentenced to death may move in arrest of execution on the ground that she is pregnant.

Woman
sentenced
to death
while
pregnant.

(2) Where a motion is made under subsection (1), the court shall direct one or more registered medical practitioners to be sworn to examine the female person together or successively and to determine whether or not she is pregnant.

Inquiry
as to
pregnancy.

(3) Where, from the report of a medical practitioner sworn under subsection (2), it appears to the court that a female person to whom this section applies is pregnant, execution shall be arrested until she is delivered of the child or until it is no longer possible in the course of nature that she should be so delivered.

Arresting
execution.

FORMAL DEFECTS IN JURY PROCESS.

578. Judgment shall not be stayed or reversed after verdict upon an indictment

Judgment
not to be
stayed on
certain
grounds.

(a) by reason of any irregularity in the summoning or empanelling of the jury, or

(b) because a person who served upon the jury was not returned as a juror by a sheriff or other officer.

Directions
as to jury
or jurors
directory

579. No omission to observe the directions contained in any Act with respect to the qualification, selection, balloting or distribution of jurors, the preparation of the jurors' book, the selecting of jury lists, or the drafting of panels from the jury lists, is a ground for impeaching or quashing a verdict rendered in criminal proceedings.

Saving
powers
of court.

580. Nothing in this Act alters, abridges or affects any power or authority that a court or judge had immediately before the coming into force of this Act, or any practice or form that existed immediately before the coming into force of this Act, with respect to trials by jury, jury process, juries or jurors, except where the power or authority, practice or form is expressly altered by or is inconsistent with this Act.

PART XVIII.

APPEALS—INDICTABLE OFFENCES.

"Court of
Appeal."

581. In this Part,

(a) "court of appeal" means the court of appeal, as defined by paragraph (9) of section 2, for the province or territory in which the trial of a person by indictment is held;

"Indict-
ment."

(b) "indictment" includes an information or charge in respect of which a person has been tried for an indictable offence under Part XVI;

"Registrar."

(c) "registrar" means the registrar or clerk of the court of appeal;

"Sentence."

(d) "sentence" includes an order made under section 628, 629 or 630 and a direction made under section 638; and

"Trial
court."

(e) "trial court" means the court by which an accused was tried and includes a judge or a magistrate acting under Part XVI.

Procedure
abolished.

582. No proceedings other than those authorized by this Part and Part XXIII shall be taken by way of appeal in proceedings in respect of indictable offences.

Right of
appeal of
person
convicted.

583. A person who is convicted by a trial court in proceedings by indictment may appeal to the court of appeal

(a) against his conviction

(i) on any ground of appeal that involves a question of law alone,

(ii) on any ground of appeal that involves a question of fact alone or a question of mixed law and fact, with leave of the court of appeal or upon the certificate of the trial judge that the case is a proper case for appeal, or

- (iii) on any ground of appeal not mentioned in subparagraph (i) or (ii) that appears to the court of appeal to be a sufficient ground of appeal, with leave of the court of appeal; or
- (b) against the sentence passed by the trial court, with leave of the court of appeal or a judge thereof unless that sentence is one fixed by law.

584. (1) The Attorney General or counsel instructed by him for the purpose may appeal to the court of appeal Right of Attorney General to appeal.

(a) against a judgment or verdict of acquittal of a trial court in proceedings by indictment on any ground of appeal that involves a question of law alone, or

(b) with leave of the court of appeal or a judge thereof, against the sentence passed by a trial court in proceedings by indictment, unless that sentence is one fixed by law.

(2) For the purposes of this section a judgment or verdict of acquittal includes an acquittal in respect of a principal offence where the accused has been convicted of an offence included in the principal offence. Acquittal.

585. Where an appeal is dismissed by the court of appeal and a judge of that court expresses an opinion dissenting from the judgment of the court, the formal judgment of the court shall specify any grounds in law upon which the dissent, in whole or in part, is based. Specifying grounds of dissent.

PROCEDURE ON APPEALS.

586. (1) An appellant who proposes to appeal to the court of appeal or to obtain the leave of that court to appeal shall give notice of appeal or notice of his application for leave to appeal, in the manner and within the period after the time of the acquittal, conviction or sentence, as the case may be, as may be directed by rules of court. Notice of appeal.

(2) The court of appeal or a judge thereof may at any time extend the time within which notice of appeal or notice of an application for leave to appeal may be given, but this subsection does not apply where a sentence of death has been imposed pursuant to a conviction. Extension of time.

(3) Where, pursuant to a conviction, a sentence of death or whipping has been imposed, Delay in execution of sentence of death or whipping.

(a) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and

(b) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after

- (i) the determination of the application, where an application for leave to appeal is finally refused, or
- (ii) the determination of the appeal.

Effect of
certificate.

- (4) The production of a certificate
 - (a) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or
 - (b) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596,
 is sufficient authority to suspend the execution of a sentence of death or whipping, as the case may be, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court.

Bail.

587. The chief justice or the acting chief justice of the court of appeal or a judge of that court to be designated by the chief justice or acting chief justice may admit an appellant to bail pending the determination of his appeal.

Report by
judge.

588. (1) Where, under this Part, an appeal is taken or an application for leave to appeal is made, the judge or magistrate who presided at the trial shall furnish to the court of appeal, in accordance with rules of court, a report giving his opinion upon the case or upon any matter relating thereto.

Transcript
of evidence.

- (2) A copy or transcript of
 - (a) the evidence taken at the trial,
 - (b) the charge to the jury, if any, and
 - (c) the reasons for judgment, if any,
 shall be furnished to the court of appeal, except in so far as it is dispensed with by order of a judge of that court.

Notes of
proceedings.

(3) A copy of the charge to the jury, if any, and any objections that were made to it shall, before the copy or transcript is transmitted to the court of appeal pursuant to subsection (2), be submitted to the judge who presided at the trial, and if the judge refuses to certify that the charge and objections are accurately set out, he shall immediately certify to the court of appeal

- (a) the reasons for his refusal, and
- (b) the charge that was given to the jury, if any, and any objections that were made to it.

Copies for
interested
parties.

(4) A party to the appeal is entitled to receive, upon payment of any charges that are fixed by rules of court, a copy or transcript of any material that is prepared under subsections (2) and (3).

Copy for
Minister
of Justice.

(5) The Minister of Justice is entitled, upon request, to receive a copy or transcript of any material that is prepared under subsections (2) and (3).

589. (1) For the purposes of an appeal under this Part the court of appeal may, where it considers it in the interests of justice,

Court may order.

(a) order the production of any writing, exhibit, or other thing connected with the proceedings;

Production of documents.

(b) order any witness who would have been a compellable witness at the trial, whether or not he was called at the trial,

Attendance of witnesses

(i) to attend and be examined before the court of appeal, or

(ii) to be examined in the manner provided by rules of court before a judge of the court of appeal, or before any officer of the court of appeal or justice of the peace or other person appointed by the court of appeal for the purpose;

(c) admit, as evidence, an examination that is taken under subparagraph (ii) of paragraph (b);

Admission of evidence.

(d) receive the evidence, if tendered, of any witness, including the appellant, who is a competent but not compellable witness;

Reception of evidence

(e) order that any question arising on the appeal that

Reference to commissioner.

(i) involves prolonged examination of writings or accounts, or scientific or local investigation, and

(ii) cannot in the opinion of the court of appeal conveniently be inquired into before the court of appeal,

be referred for inquiry and report, in the manner provided by rules of court, to a special commissioner appointed by the court of appeal; and

(f) act upon the report of a commissioner who is appointed under paragraph (e) in so far as the court of appeal thinks fit to do so.

Acceptance of report.

(2) In proceedings under this section the parties or their counsel are entitled to examine or cross-examine witnesses and, in an inquiry under paragraph (e) of subsection (1), are entitled to be present during the inquiry and to adduce evidence and to be heard.

Parties entitled to adduce evidence and be heard.

(3) A court of appeal may exercise in relation to proceedings in the court any powers not mentioned in subsection (1) that may be exercised by the court on appeals in civil matters, and may issue any process that is necessary to enforce the orders or sentences of the court but no costs shall be allowed to the appellant or respondent on the hearing and determination of an appeal or on any proceedings preliminary or incidental thereto.

Other powers.

(4) Any process that is issued by the court of appeal under this section may be executed anywhere in Canada.

Execution of process.

Legal
assistance
for appellant.

590. A court of appeal or a judge of that court may, at any time, assign counsel to act on behalf of an accused who is a party to an appeal or to proceedings preliminary or incidental to an appeal where, in the opinion of the court or judge, it appears desirable in the interests of justice that the accused should have legal aid and where it appears that the accused has not sufficient means to obtain that aid.

Summary
determination
of frivolous
appeals.

591. Where it appears to the registrar that a notice of an appeal against a conviction, which purports to be on a ground of appeal that involves a question of law alone, does not show a substantial ground of appeal, the registrar may refer the appeal to the court of appeal for summary determination, and, where an appeal is referred under this section, the court of appeal may, if it considers that the appeal is frivolous or vexatious and can be determined without being adjourned for a full hearing, dismiss the appeal summarily, without calling on any person to attend the hearing or to appear for the respondent on the hearing.

POWERS OF THE COURT OF APPEAL.

592. (1) On the hearing of an appeal against a conviction, the court of appeal

Allowance
of appeal
against
conviction.

- (a) may allow the appeal where it is of the opinion that
- (i) the verdict should be set aside on the ground that it is unreasonable or cannot be supported by the evidence,
 - (ii) the judgment of the trial court should be set aside on the ground of a wrong decision on a question of law, or
 - (iii) on any ground there was a miscarriage of justice;

Dismissal.

- (b) may dismiss the appeal where
- (i) the court is of the opinion that the appellant, although he was not properly convicted on a count or part of the indictment, was properly convicted on another count or part of the indictment,
 - (ii) the appeal is not decided in favour of the appellant on any ground mentioned in paragraph (a), or
 - (iii) notwithstanding that the court is of the opinion that on any ground mentioned in subparagraph (ii) of paragraph (a) the appeal might be decided in favour of the appellant, it is of the opinion that no substantial wrong or miscarriage of justice has occurred;

Wrong
conclusion
on special
verdict.

- (c) may refuse to allow the appeal where it is of the opinion that the trial court arrived at a wrong conclusion as to the effect of a special verdict, and may order

the conclusion to be recorded that appears to the court to be required by the verdict, and may pass a sentence that is warranted in law in substitution for the sentence passed by the trial court; or

- (d) may quash a sentence and order the appellant to be kept in safe custody to await the pleasure of the Lieutenant-Governor where it is of the opinion that, although the appellant committed the act or made the omission charged against him, he was insane at the time the act was committed or the omission was made, so that he was not criminally responsible for his conduct. Insanity.

(2) Where a court of appeal allows an appeal under paragraph (a) of subsection (1), it shall quash the conviction and Order to be made.

- (a) direct a judgment or verdict of acquittal to be entered, or
(b) order a new trial.

(3) Where a court of appeal dismisses an appeal under subparagraph (i) of paragraph (b) of subsection (1), it may substitute the verdict that in its opinion should have been found and affirm the sentence passed by the trial court or impose a sentence that is warranted in law. Substituting verdict.

(4) Where an appeal is from an acquittal the court of appeal may Appeal from acquittal.

- (a) dismiss the appeal; or Dismissal.
(b) allow the appeal, set aside the verdict and Allowance.

- (i) enter a verdict of guilty with respect to the offence of which, in its opinion, the accused should have been found guilty but for the error in law, and pass a sentence that is warranted in law, or
(ii) order a new trial.

(5) Where an appeal is taken in respect of proceedings under Part XVI and the court of appeal orders a new trial under this Part, the following provisions apply, namely, New trial under Part XVI.

- (a) if the accused, in his notice of appeal or notice of application for leave to appeal, requested that the new trial, if ordered, should be held before a court composed of a judge and jury, the new trial shall be held accordingly;
(b) if the accused, in his notice of appeal or notice of application for leave to appeal, did not request that the new trial, if ordered, should be held before a court composed of a judge and jury, the new trial shall, without further election by the accused, be held before a judge or magistrate, as the case may be, acting under Part XVI, other than a judge or magistrate who tried the accused in the first instance, unless the court of

appeal directs that the new trial be held before the judge or magistrate who tried the accused in the first instance; and

- (c) if the court of appeal orders that the new trial shall be held before a court composed of a judge and jury it is not necessary, in any province of Canada, to prefer a bill of indictment before a grand jury in respect of the charge upon which the new trial was ordered, but it is sufficient if the new trial is commenced by an indictment in writing setting forth the offence with which the accused is charged and in respect of which the new trial was ordered.

Additional powers.

(6) Where a court of appeal exercises any of the powers conferred by subsection (2) or (4) it may make any order, in addition, that justice requires.

Powers of court on appeal against sentence.

593. (1) Where an appeal is taken against sentence the court of appeal shall, unless the sentence is one fixed by law, consider the fitness of the sentence appealed against, and may upon such evidence, if any, as it thinks fit to require or to receive,

- (a) vary the sentence within the limits prescribed by law for the offence of which the accused was convicted, or
(b) dismiss the appeal.

Effect of judgment.

(2) A judgment of a court of appeal that varies the sentence of an accused who was convicted has the same force and effect as if it were a sentence passed by the trial court.

Right of appellant to attend.

594. (1) Subject to subsection (2), an appellant who is in custody is entitled, if he desires, to be present at the hearing of the appeal.

Appellant represented by counsel.

(2) An appellant who is in custody and who is represented by counsel is not entitled to be present

- (a) at the hearing of the appeal, where the appeal is on a ground involving a question of law alone,
(b) on an application for leave to appeal, or
(c) on any proceedings that are preliminary or incidental to an appeal,

unless rules of court provide that he is entitled to be present or the court of appeal or a judge thereof gives him leave to be present.

Argument may be oral or in writing.

(3) A convicted person who is an appellant may present his case on appeal and his argument in writing instead of orally, and the court of appeal shall consider any case or argument so presented.

Sentence in absence of appellant.

(4) The power of a court of appeal to impose sentence may be exercised notwithstanding that the appellant is not present.

595. (1) Where an order for compensation or for the restitution of property is made by the trial court under section 628, 629 or 630, the operation of the order is suspended

Restitution of property.

(a) until the expiration of the period prescribed by rules of court for the giving of notice of appeal or of notice of application for leave to appeal, unless the accused waives an appeal, and

(b) until the appeal or application for leave to appeal has been determined, where an appeal is taken or application for leave to appeal is made.

(2) The court of appeal may by order annul or vary an order made by the trial court with respect to compensation or the restitution of property within the limits prescribed by the provision under which the order was made by the trial court, whether or not the conviction is quashed.

Annuling or varying order.

POWERS OF MINISTER OF JUSTICE.

596. The Minister of Justice may, upon an application for the mercy of the Crown by or on behalf of a person who has been convicted in proceedings by indictment,

Powers of Minister of Justice.

(a) direct, by order in writing, a new trial before any court that he thinks proper, if after inquiry he is satisfied that in the circumstances a new trial should be directed;

(b) refer the matter at any time to the court of appeal for hearing and determination by that court as if it were an appeal by the convicted person; or

(c) refer to the court of appeal at any time, for its opinion, any question upon which he desires the assistance of that court, and the court shall furnish its opinion accordingly.

APPEALS TO THE SUPREME COURT OF CANADA.

597. (1) A person who is convicted of an indictable offence whose conviction is affirmed by the court of appeal may appeal to the Supreme Court of Canada

Appeal from conviction.

(a) on any question of law on which a judge of the court of appeal dissents, or

In case of dissent.

(b) on any question of law, if leave to appeal is granted by a judge of the Supreme Court of Canada within twenty-one days after the judgment appealed from is pronounced or within such extended time as the judge may, for special reasons, allow.

On question of law with leave.

(2) A person

(a) who is acquitted of an indictable offence and whose acquittal is set aside by the court of appeal, or

Appeal where acquittal set aside.

Where
joint trial.

(b) who is tried jointly with a person referred to in paragraph (a) and is convicted and whose conviction is sustained by the court of appeal, may appeal to the Supreme Court of Canada on a question of law.

Appeal by
Attorney
General.

598. (1) Where a judgment of a court of appeal sets aside a conviction pursuant to an appeal taken under paragraph (a) of section 583 or dismisses an appeal taken pursuant to paragraph (a) of section 584, the Attorney General may appeal to the Supreme Court of Canada

In case of
dissent.

(a) on any question of law on which a judge of the court of appeal dissents, or

On question
of law with
leave.

(b) on any question of law, if leave to appeal is granted by a judge of the Supreme Court of Canada within twenty-one days after the judgment appealed from is pronounced or within such extended time as the judge may, for special reasons, allow.

Terms.

(2) Where leave to appeal is granted under paragraph (b) of subsection (1), the judge may impose such terms as he sees fit.

Notice of
appeal.

599. No appeal lies to the Supreme Court of Canada unless notice of appeal in writing is served by the appellant upon the respondent within fifteen days

(a) after the judgment of the court of appeal is pronounced where the appeal may be taken without leave, or

(b) after leave to appeal is granted, where leave is required,

unless before or after the expiration of that period further time is allowed by the Supreme Court of Canada or a judge thereof.

Order of
Supreme
Court of
Canada.

600. (1) The Supreme Court of Canada may, on an appeal under this Part, make any order that the court of appeal might have made and may make any rule or order that is necessary to give effect to its judgment.

Hearing
of appeal.

(2) An appeal to the Supreme Court of Canada that is not brought on for hearing by the appellant at the session of that court during which the judgment appealed from is pronounced by the court of appeal, or during the next session thereof, shall be deemed to be abandoned, unless otherwise ordered by the Supreme Court of Canada or a judge thereof.

Abandon-
ment.

APPEALS BY ATTORNEY GENERAL OF CANADA.

Right of
Attorney
General of
Canada
to appeal.

601. The Attorney General of Canada has the same rights of appeal in proceedings instituted at the instance of the Government of Canada and conducted by or on behalf of that government as the Attorney General of a province has under this Part.

PART XIX.

PROCURING ATTENDANCE OF WITNESSES.

APPLICATION.

602. Except where section 446 applies, this Part applies Application. where a person is required to attend to give evidence in a proceeding to which this Act applies.

PROCESS.

603. (1) Where a person is likely to give material Subpoena. evidence in a proceeding to which this Act applies, a subpoena may be issued in accordance with this Part requiring that person to attend to give evidence.

(2) Where it is made to appear that a person who is Warrant in Form 12. likely to give material evidence

(a) will not attend in response to a subpoena if a subpoena is issued, or

(b) is evading service of a subpoena,
a court, justice or magistrate having power to issue a subpoena to require the attendance of that person to give evidence may issue a warrant in Form 12 to cause that person to be arrested and to be brought to give evidence.

(3) Except where paragraph (a) of subsection (2) applies, Subpoena to be issued in first instance. a warrant in Form 12 shall not be issued unless a subpoena has first been issued.

604. (1) Where a person is required to attend to give How subpoena issued. evidence before a superior court of criminal jurisdiction, a court of appeal or a court of criminal jurisdiction other than a magistrate acting under Part XVI, the subpoena directed to that person shall be issued out of the court before which the attendance of that person is required.

(2) Where a person is required to attend to give evidence Who may issue. before a magistrate acting under Part XVI, or a summary conviction court under Part XXIV or in proceedings over which a justice has jurisdiction, a subpoena directed to that person shall be issued

(a) by a justice or magistrate, as the case may be, where the person whose attendance is required is within the province in which the proceedings were instituted, or

(b) out of a superior court of criminal jurisdiction or a county or district court of the province in which the proceedings were instituted, where the person whose attendance is required is not within the province.

Order of
judge.

(3) A subpoena shall not be issued pursuant to paragraph (b) of subsection (2), except pursuant to an order of a judge of the court made upon application by a party to the proceedings.

Seal.

(4) A subpoena or warrant that is issued by a court under this Part shall be under the seal of the court and shall be signed by a judge of the court or by the clerk of the court.

Signature.

(5) A subpoena or warrant that is issued by a justice or magistrate under this Part shall be signed by the justice or magistrate.

Form

(6) A subpoena issued under this Part may be in Form 11.

Contents of
subpoena.

605. (1) A subpoena shall require the person to whom it is directed to attend, at a time and place to be stated in the subpoena, to give evidence and, if required, to bring with him any writings that he has in his possession or under his control relating to the subject matter of the proceedings.

Witness to
appear and
remain.

(2) A person who is served with a subpoena issued under this Part shall attend and shall remain in attendance throughout the proceedings unless he is excused by the presiding judge, justice or magistrate.

EXECUTION OR SERVICE OF PROCESS.

Service.

606. (1) Subject to subsection (2), a subpoena shall be served in accordance with subsection (3) of section 441.

Personal
service.

(2) A subpoena that is issued pursuant to paragraph (b) of subsection (2) of section 604 shall be served personally upon the person to whom it is directed.

Proof of
service.

(3) Service of a subpoena may be proved by the affidavit of the person who effected service.

Subpoena
effective
throughout
Canada.

607. (1) A subpoena that is issued out of a superior court of criminal jurisdiction, a court of appeal or a court of criminal jurisdiction other than a magistrate acting under Part XVI has effect anywhere in Canada according to its terms.

Subpoena
effective
throughout
province.

(2) A subpoena that is issued by a justice or magistrate has effect anywhere in the province in which it is issued.

Warrant
effective
throughout
Canada.

608. (1) A warrant that is issued out of a superior court of criminal jurisdiction, a court of appeal or a court of criminal jurisdiction other than a magistrate acting under Part XVI may be executed anywhere in Canada.

Warrant
effective
throughout
province.

(2) Subject to subsection (3) of section 610, a warrant that is issued by a justice or magistrate may be executed anywhere in the province in which it is issued.

DEFAULTING OR ABSCONDING WITNESS.

609. (1) Where a person is bound by recognizance to give evidence in any proceedings, a justice who is satisfied upon information being made before him in writing and under oath that the person is about to abscond or has absconded, may issue his warrant in Form 13 directing a peace officer to arrest that person and to bring him before the court, judge, justice or magistrate before whom he is bound to appear.

Warrant for
absconding
witness.

(2) Section 447 applies, *mutatis mutandis*, to a warrant issued under this section.

Endorsement
of warrant.

(3) A person who is arrested under this section is entitled, upon request, to receive a copy of the information upon which the warrant for his arrest was issued.

Copy of
information.

610. (1) Where a person who has been served with a subpoena to give evidence in a proceeding does not attend or remain in attendance, the court, judge, justice or magistrate before whom that person was required to attend may, if it is established

Warrant
when
witness
does not
attend.

(a) that the subpoena has been served in accordance with this Part, and

(b) that the person is likely to give material evidence, issue or cause to be issued a warrant in Form 12 for the arrest of that person.

(2) Where a person who has been bound by a recognizance to attend to give evidence in any proceeding does not attend or does not remain in attendance, the court, judge, justice or magistrate before whom that person was bound to attend may issue or cause to be issued a warrant in Form 12 for the arrest of that person.

Warrant
where
witness
bound by
recognizance.

(3) A warrant that is issued by a justice or magistrate pursuant to subsection (1) or (2) may be executed anywhere in Canada.

Warrant
effective
throughout
Canada.

611. Where a person is brought before a court, judge, justice or magistrate under a warrant issued pursuant to subsection (2) of section 603, or pursuant to section 609 or 610, the court, judge, justice or magistrate may order that the person

Order
where
witness
arrested
under
warrant

(a) be detained in custody, or

(b) be released on recognizance in Form 28, with or without sureties,
to appear and give evidence when required.

612. (1) A person who, being required by law to attend or remain in attendance for the purpose of giving evidence fails, without lawful excuse, to attend or remain in attendance accordingly is guilty of contempt of court.

Contempt.

Punishment.

(2) A court, judge, justice or magistrate may deal summarily with a person who is guilty of contempt of court under this section and that person is liable to a fine of one hundred dollars or to imprisonment for ninety days or to both, and may be ordered to pay the costs that are incident to the service of any process under this Part and to his detention, if any.

Form.

(3) A conviction under this section may be in Form 34 and a warrant of committal in respect of a conviction under this section may be in Form 22.

EVIDENCE ON COMMISSION.

Order for,
when witness
ill or out of
Canada

613. A party to a proceeding to which this Act applies may apply for an order appointing a commissioner to take the evidence of a witness who

Application
for order
when witness
ill.

(a) is, by reason of

(i) physical disability arising out of illness, or

(ii) some other good and sufficient cause,

not likely to be able to attend at the time the trial is held, or

(b) is out of Canada.

Application
where
witness
is ill.

614. (1) An application under paragraph (a) of section 613 shall be made

(a) to a judge of a superior court of the province, or

(b) to a judge of a county or district court in the territorial division where the proceedings are taken.

Evidence of
medical
practitioner.

(2) An application under subparagraph (i) of paragraph (a) of section 613 may be granted on the evidence of a registered medical practitioner.

Reading
evidence of
witness who
is ill.

615. Where the evidence of a witness mentioned in subparagraph (i) of paragraph (a) of section 613 is taken by a commissioner appointed under section 614, it may be read in evidence in the proceedings if

(a) it is proved by oral evidence or by affidavit that the witness is, by reason of death or physical disability arising out of illness, unable to attend,

(b) the transcript of the evidence is signed by the commissioner by or before whom it purports to have been taken, and

(c) it is proved to the satisfaction of the court that reasonable notice of the time for taking the evidence was given to the other party, and that the accused or his counsel, or the prosecutor or his counsel, as the case may be, had or might have had full opportunity to cross-examine the witness.

- 616.** (1) An application that is made under paragraph (b) of section 613 shall be made
- (a) to a judge of a superior court of criminal jurisdiction or of a court of criminal jurisdiction before which the accused is to be tried, or
 - (b) to a magistrate acting under Part XVI, where the accused is to be tried by a magistrate acting under that Part.
- (2) Where the evidence of a witness is taken by a commissioner appointed under this section, it may be read in evidence in the proceedings.
- (3) Subject to section 618, evidence that is taken by a commissioner appointed under this section may, where the presiding judge directs, be read in evidence before a grand jury.

Application for order when witness out of Canada.

Reading evidence of witness out of Canada.

Reading evidence to grand jury.

- 617.** (1) A judge or magistrate who appoints a commissioner may make provision in the order to enable an accused to be present or represented by counsel when the evidence is taken, but failure of the accused to be present or to be represented by counsel in accordance with the order does not prevent the reading of the evidence in the proceedings if the evidence has otherwise been taken in accordance with the order and with this Part.
- (2) An order for the taking of evidence by commission shall indicate the officer of the court to whom the evidence that is taken under the order shall be returned.

Providing for presence of accused counsel

Return of evidence.

- 618.** Except where otherwise provided by this Part or by rules of court, the practice and procedure in connection with the appointment of commissioners under this Part, the taking of evidence by commissioners, the certifying and return thereof, and the use of the evidence in the proceedings shall, as far as possible, be the same as those that govern like matters in civil proceedings in the superior court of the province in which the proceedings are taken.

Rules and practice same as in civil cases.

EVIDENCE PREVIOUSLY TAKEN.

- 619.** (1) Where, at the trial of an accused, a person whose evidence was given at a previous trial upon the same charge, or whose evidence was taken in the investigation of the charge against the accused or upon the preliminary inquiry into the charge, refuses to be sworn or to give evidence, or if facts are proved upon oath from which it can be inferred reasonably that the person
- (a) is dead,
 - (b) has since become and is insane,
 - (c) is so ill that he is unable to travel, or
 - (d) is absent from Canada,

Evidence on preliminary inquiry may be read on trial in certain cases.

and where it is proved that his evidence was taken in the presence of the accused, it may be read as evidence in the proceedings without further proof, if the evidence purports to be signed by the judge or justice before whom it purports to have been taken, unless the accused proves that it was not in fact signed by that judge or justice or that he did not have full opportunity to cross-examine the witness.

Idem.

(2) Evidence that has been taken on the preliminary inquiry or other investigation of a charge against an accused may be read as evidence in the prosecution of the accused for any other offence upon the same proof and in the same manner in all respects, as it might, according to law, be read in the prosecution of the offence with which the accused was charged when the evidence was taken.

PART XX.

PUNISHMENTS, FINES, FORFEITURES, COSTS AND RESTITUTION OF PROPERTY.

PUNISHMENT GENERALLY.

“Court.”

620. In this Part, except as provided in section 640, “court” means a court, judge, justice or magistrate and includes a person who is authorized to exercise the powers of a court, judge, justice or magistrate to impose punishment.

Degrees of
punishment.

621. (1) Where an enactment prescribes different degrees or kinds of punishment in respect of an offence, the punishment to be imposed is, subject to the limitations prescribed in the enactment, in the discretion of the court that convicts a person who commits the offence.

Discretion
as to
punishment.

(2) Where an enactment prescribes a punishment in respect of an offence, the punishment to be imposed is, subject to the limitations prescribed in the enactment, in the discretion of the court that convicts a person who commits the offence, but no punishment is a minimum punishment unless it is declared to be a minimum punishment.

Imprisonment
in default
where term
not specified.

(3) Where an accused is convicted of an offence punishable with both fine and imprisonment and a term of imprisonment in default of payment of the fine is not specified in the enactment that prescribed the punishment to be imposed, the imprisonment that may be imposed in default of payment shall not exceed the term of imprisonment that is prescribed in respect of the offence.

(4) Where an accused

(a) is convicted while under sentence for an offence, and a term of imprisonment, whether in default of payment of a fine or otherwise, is imposed;

(b) is convicted of an offence punishable with both fine and imprisonment, and both are imposed with a direction that, in default of payment of the fine, the accused shall be imprisoned for a term certain; or

(c) is convicted of more offences than one before the same court at the same sittings, and

(i) more than one fine is imposed with a direction in respect of each of them that, in default of payment thereof, the accused shall be imprisoned for a term certain,

(ii) terms of imprisonment for the respective offences are imposed, or

(iii) a term of imprisonment is imposed in respect of one offence and a fine is imposed in respect of another offence with a direction that, in default of payment, the accused shall be imprisoned for a term certain,

the court that convicts the accused may direct that the terms of imprisonment shall be served one after the other.

Cumulative
punishments.

622. (1) An accused who is convicted of an indictable offence punishable with imprisonment for five years or less may be fined in addition to or in lieu of any other punishment that is authorized, but an accused shall not be fined in lieu of imprisonment where the offence of which he is convicted is punishable by a minimum term of imprisonment.

Fine in
lieu of
other
punishment.

(2) An accused who is convicted of an indictable offence punishable with imprisonment for more than five years may be fined in addition to, but not in lieu of, any other punishment that is authorized.

Fine in
addition to
other
punishment.

(3) Where a fine is imposed under this section, a term of imprisonment may be imposed in default of payment of the fine, but no such term shall exceed

Imprison-
ment in
default of
payment.

(a) two years, where the term of imprisonment that may be imposed for the offence is less than five years, or

(b) five years, where the term of imprisonment that may be imposed for the offence is five years or more.

623. (1) Notwithstanding subsection (2) of section 621, a corporation that is convicted of an offence is liable, in lieu of any imprisonment that is prescribed as punishment for that offence,

Fines on
corporations.

(a) to be fined in an amount that is in the discretion of the court, where the offence is an indictable offence, or

(b) to be fined in an amount not exceeding one thousand dollars, where the offence is a summary conviction offence.

Enforcement. (2) Where a fine that is imposed under subsection (1) is not paid forthwith the prosecutor may, by filing the conviction, enter as a judgment the amount of the fine and costs, if any, in the superior court of the province in which the trial was held, and that judgment is enforceable against the accused in the same manner as if it were a judgment rendered against the accused in that court in civil proceedings.

Commencement of sentence. **624.** (1) A sentence commences when it is imposed, except where a relevant enactment otherwise provides or the court otherwise orders.

Time pending appeal. (2) The time during which a convicted person
(a) is at large on bail, or
(b) is confined in a prison or other place of confinement, pending the determination of an appeal by that person, does not count as part of any term of imprisonment imposed pursuant to his conviction, but paragraph (b) is subject to any directions that the court appealed to may give.

When time begins to run. (3) Notwithstanding subsection (1), a term of imprisonment, whether imposed by a trial court or by the court appealed to, commences or shall be deemed to be resumed, as the case requires,

(a) on the day on which the appeal is determined, where the convicted person is then in custody, and

(b) on the day on which the convicted person is arrested and taken into custody under the sentence, where he is not in custody,

but paragraph (a) is subject to any directions that the court appealed to may give.

Where fine imposed. (4) Notwithstanding subsection (1), where the sentence that is imposed is a fine with a term of imprisonment in default of payment, no time prior to the day of execution of the warrant of committal counts as part of the term of imprisonment.

Application for leave to appeal. (5) An application for leave to appeal is an appeal for the purposes of this section.

Reduction of imprisonment on part payment. **625.** (1) Where a term of imprisonment is imposed in default of payment of a penalty, the term shall, upon payment of a part of the penalty, be reduced by the number of days that bears the same proportion to the number of days in the term as the part paid bears to the total penalty.

Minimum which can be accepted. (2) No amount offered in part payment of a penalty shall be accepted unless it is sufficient to secure reduction of sentence of one day, or some multiple thereof, and where a warrant of committal has been issued, no part payment shall be accepted until any fee that is payable in respect of the warrant or its execution has been paid.

(3) Payment may be made under this section to the person who has lawful custody of the prisoner or to such other person as the Attorney General directs.

To whom
payment
made.

(4) A payment under this section shall, unless the order imposing the penalty otherwise provides, be applied to the payment in full of costs and charges, and thereafter to payment in full of compensation or damages that are included in the penalty, and finally to payment in full of any part of the penalty that remains unpaid.

Application
of money
paid.

(5) In this section, "penalty" means all the sums of money, including fines, in default of payment of which a term of imprisonment is imposed and includes the costs and charges of committing the defaulter and of conveying him to prison.

"Penalty."

626. (1) Where a fine, penalty or forfeiture is imposed or a recognizance is forfeited and no provision, other than this section, is made by law for the application of the proceeds thereof, the proceeds belong to Her Majesty in right of the province in which the fine, penalty or forfeiture was imposed or the recognizance was forfeited, and shall be paid by the person who receives them to the treasurer of that province.

Fines and
penalties
go to
provincial
treasurer.

(2) Where

Exception.

(a) a fine, penalty or forfeiture is imposed

(i) in respect of a violation of a revenue law of Canada,

(ii) in respect of a breach of duty or malfeasance in office by an officer or employee of the Government of Canada, or

(iii) in respect of any proceedings instituted at the instance of the Government of Canada in which that government bears the costs of prosecution; or

(b) a recognizance in connection with proceedings mentioned in paragraph (a) is forfeited, the proceeds of the fine, penalty, forfeiture or recognizance belong to Her Majesty in right of Canada and shall be paid by the person who receives them to the Receiver General of Canada.

(3) Where a provincial, municipal or local authority bears, in whole or in part, the expense of administering the law under which a fine, penalty or forfeiture is imposed or under which proceedings are taken in which a recognizance is forfeited,

Direction for
payment to
municipality.

(a) the Lieutenant-Governor in Council may, from time to time, direct that the proceeds of a fine, penalty, forfeiture or recognizance that belongs to Her Majesty in right of the province shall be paid to that authority, and

By
Lieutenant-
Governor.

By Governor
in Council.

(b) the Governor in Council may, from time to time, direct that the proceeds of a fine, penalty, forfeiture or recognizance that belongs to Her Majesty in right of Canada shall be paid to that authority.

Province of
Ontario.

(4) Where the proceeds of a fine, penalty, forfeiture or recognizance belong, by virtue of this section, to Her Majesty in right of the Province of Ontario, but a municipal or local authority in that province bears, in whole or in part, the expense of administering the law under which the fine, penalty or forfeiture was imposed or the recognizance was forfeited, the proceeds shall, notwithstanding anything in this section, be paid to that authority.

Recovery of
penalties.

627. (1) Where a fine, pecuniary penalty or forfeiture is imposed by law and no other mode is prescribed for the recovery thereof, the fine, pecuniary penalty or forfeiture is recoverable or enforceable in civil proceedings by Her Majesty, but by no other person.

Limitation.

(2) No proceedings under subsection (1) shall be instituted more than two years after the time when the cause of action arose or the offence was committed in respect of which the fine, pecuniary penalty or forfeiture was imposed.

Compensation
for loss of
property.

628. (1) A court that convicts an accused of an indictable offence may, upon the application of a person aggrieved, at the time sentence is imposed, order the accused to pay to that person an amount by way of satisfaction or compensation for loss of or damage to property suffered by the applicant as a result of the commission of the offence of which the accused is convicted.

Enforce-
ment.

(2) Where an amount that is ordered to be paid under subsection (1) is not paid forthwith the applicant may, by filing the order, enter as a judgment, in the superior court of the province in which the trial was held, the amount ordered to be paid, and that judgment is enforceable against the accused in the same manner as if it were a judgment rendered against the accused in that court in civil proceedings.

Moneys
found on the
accused.

(3) All or any part of an amount that is ordered to be paid under subsection (1) may be taken out of moneys found in the possession of the accused at the time of his arrest, except where there is a dispute as to ownership of or right of possession to those moneys by claimants other than the accused.

Compensation
to
bona fide
purchasers.

629. (1) Where an accused is convicted of an indictable offence and any property obtained as a result of the commission of the offence has been sold to an innocent purchaser, the court may, upon the application of the

purchaser after restitution of the property to its owner, order the accused to pay to the purchaser an amount not exceeding the amount paid by the purchaser for the property.

(2) Where an amount that is ordered to be paid under subsection (1) is not paid forthwith the applicant may, by filing the order, enter as a judgment, in the superior court of the province in which the trial was held, the amount ordered to be paid, and that judgment is enforceable against the accused in the same manner as if it were a judgment rendered against the accused in that court in civil proceedings. Enforcement.

(3) All or any part of an amount that is ordered to be paid under subsection (1) may be taken out of moneys found in the possession of the accused at the time of his arrest, except where there is a dispute as to ownership of or right of possession to those moneys by claimants other than the accused. Moneys found on accused.

630. (1) Where an accused is convicted of an indictable offence the court shall order that any property obtained by the commission of the offence shall be restored to the person entitled to it, if at the time of the trial the property is before the court or has been detained so that it can be immediately restored to that person under the order. Order for restitution of property.

(2) Where an accused is tried for an indictable offence but is not convicted, and the court finds that an indictable offence has been committed, the court may order that any property obtained by the commission of the offence shall be restored to the person entitled to it, if at the time of the trial the property is before the court or has been detained, so that it can be immediately restored to that person under the order. Where no conviction.

(3) An order shall not be made under this section in respect of When order not to be made.

(a) property to which an innocent purchaser for value has acquired lawful title,

(b) a valuable security that has been paid or discharged in good faith by a person who was liable to pay or discharge it,

(c) a negotiable instrument that has, in good faith, been taken or received by transfer or delivery for valuable consideration by a person who had no notice and no reasonable cause to suspect that an indictable offence had been committed, or

(d) property in respect of which there is a dispute as to ownership or right of possession by claimants other than the accused.

(4) An order made under this section shall be executed by the peace officers by whom the process of the court is ordinarily executed. By whom order executed.

Saving.

(5) This section does not apply to proceedings against a trustee, banker, merchant, attorney, factor, broker or other agent entrusted with the possession of goods or documents of title to goods, for an offence under section 276, 277, 278 or 282.

Costs to successful party in case of libel.

631. The person in whose favour judgment is given in proceedings by indictment for defamatory libel is entitled to recover from the opposite party costs in a reasonable amount to be fixed by order of the court.

How recovered.

632. Where costs that are fixed under section 631 are not paid forthwith the party in whose favour judgment is given may enter judgment for the amount of the costs by filing the order in the superior court of the province in which the trial was held, and that judgment is enforceable against the opposite party in the same manner as if it were a judgment rendered against him in that court in civil proceedings.

IMPRISONMENT.

Imprisonment when no other provision.

633. Every one who is convicted of an indictable offence for which no punishment is specially provided is liable to imprisonment for five years.

Imprisonment for life or more than two years.

634. (1) Except where otherwise provided, a person who is sentenced to imprisonment for life or for a term of two years or more shall be sentenced to the penitentiary designated by or under the *Penitentiary Act* as the penitentiary for the province, territory or district in which he is convicted.

Imprisonment for term less than two years.

(2) A person who is sentenced to imprisonment
 (a) for a term of less than two years, or
 (b) for two or more terms of less than two years each, to be served one after the other, shall, unless a special prison is prescribed by law, be sentenced to imprisonment in a prison or place of confinement within the province in which he is convicted, other than a penitentiary, in which the sentence of imprisonment may be lawfully executed.

Term less than two years.

(3) Where a person who is sentenced to imprisonment in a penitentiary is, before the expiration of that sentence, sentenced to imprisonment for a term of less than two years, he may be sentenced to serve that term in the same penitentiary, and if he is sentenced accordingly, he shall serve that term in that penitentiary, but if the previous sentence of imprisonment in the penitentiary is set aside, he shall serve that term in accordance with subsection (2).

(4) Where a person is sentenced to imprisonment in a penitentiary while he is lawfully imprisoned in a place other than a penitentiary he shall, except where otherwise provided, be sent immediately to the penitentiary and shall serve in the penitentiary the unexpired portion of the term of imprisonment that he was serving when he was sentenced to the penitentiary as well as the term of imprisonment for which he was sentenced to the penitentiary.

Sentence to penitentiary of person serving sentence elsewhere.

(5) For the purposes of subsection (2) "penitentiary" does not, until a day to be fixed by proclamation of the Governor in Council, include the penitentiary mentioned in section 82 of the *Penitentiary Act*, chapter 206 of the Revised Statutes of Canada, 1952.

Exception.

635. (1) A sentence of imprisonment shall be served in accordance with the enactments and rules that govern the institution to which the prisoner is sentenced, and a reference to hard labour in a conviction or sentence shall be deemed to be a reference to the employment of prisoners that is provided for in the enactments or rules.

Sentence served according to regulations.

(2) A conviction or sentence that imposes hard labour shall not be quashed or set aside on the ground only that the enactment that creates the offence does not authorize the imposition of hard labour, but shall be amended accordingly.

Hard labour improperly ordered.

DELIVERY OF ACCUSED TO KEEPER OF PRISON.

636. A peace officer or other person to whom a warrant of committal authorized by this Act or any other Act of the Parliament of Canada is directed shall convey the person named or described therein to the prison mentioned in the warrant and deliver him, together with the warrant, to the keeper of the prison who shall thereupon give to the peace officer or other person who delivers the prisoner a receipt in Form 39 setting out the state and condition of the prisoner when delivered into his custody.

Execution of warrant of committal.

RECOGNIZANCES TO KEEP THE PEACE.

637. (1) Where a person is convicted of an offence, the court may

Binding over person convicted.

(a) in addition to any sentence that is imposed upon him, in the case of an indictable offence, or

(b) in addition to or in lieu of sentence, in the case of an offence punishable on summary conviction,

order that the person shall, at a time to be fixed by the court, enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for a term that does not exceed two years, and in default may, by warrant in Form 20, commit him to prison until the recognizance is entered into or the security is given.

Form.

Proceedings
when in prison
two weeks

(2) A recognizance under this section may be in Form 28.

(3) Where a person who has been ordered to enter into a recognizance under subsection (1) has remained in prison for two weeks because of his default, he may apply to a judge for review of the order of committal.

Procedur-
when
brought
before court

(4) A judge who receives an application under subsection (3) may order the discharge of the person referred to, forthwith or at a subsequent time, upon notice to such persons as he considers proper, or may make any other order that he considers proper in the circumstances with respect to the number of sureties to be required, the amounts in which they are to be bound and the period during which the person and the sureties are to be bound.

"Judge."

(5) In this section, "judge" means a judge of a superior court of criminal jurisdiction or of a court of criminal jurisdiction for the territorial division in which the prison where the person is confined is situated.

SUSPENDED SENTENCE AND PROBATION.

Suspension
of sentence.

638. (1) Where an accused is convicted of an offence and no previous conviction is proved against him, and it appears to the court that convicts him or that hears an appeal that, having regard to his age, character and antecedents, to the nature of the offence and to any extenuating circumstances surrounding the commission of the offence, it is expedient that the accused be released on probation, the court may, except where a minimum punishment is prescribed by law, instead of sentencing him to punishment, suspend the passing of sentence and direct that he be released upon entering into a recognizance in Form 28, with or without sureties,

(a) to keep the peace and be of good behaviour during any period that is fixed by the court, and

(b) to appear and to receive sentence when called upon to do so during the period fixed under paragraph (a), upon breach of his recognizance.

Conditions

(2) A court that suspends the passing of sentence may prescribe as conditions of the recognizance that

(a) the accused shall make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence, and

(b) the accused shall provide for the support of his wife and any other dependents whom he is liable to support, and the court may impose such further conditions as it considers desirable in the circumstances and may from time to time change the conditions and increase or decrease the period of the recognizance, but no such recognizance shall be kept in force for more than two years.

(3) A court that suspends the passing of sentence may require as a condition of the recognizance that the accused shall report from time to time, as it may prescribe, to a person designated by the court, and the accused shall be under the supervision of that person during the prescribed period.

Requiring person to report.

(4) The person designated by the court under subsection (3) shall report to the court if the accused does not carry out the terms on which the passing of sentence was suspended, and the court may order that the accused be brought before it to be sentenced.

Report by designated person.

(5) Where one previous conviction and no more is proved against an accused who is convicted, but the previous conviction took place more than five years before the time of the commission of the offence of which he is convicted, or was for an offence that is not related in character to the offence of which he is convicted, the court may, notwithstanding subsection (1), suspend the passing of sentence and make the direction mentioned in subsection (1).

Suspending sentence of person previously convicted.

639. (1) A court that has suspended the passing of sentence or a justice having jurisdiction in the territorial division in which a recognizance was taken under section 638 may, upon being satisfied by information on oath that the accused has failed to observe a condition of the recognizance, issue a summons to compel his appearance or a warrant for his arrest.

Summons or warrant when recognizance not observed.

(2) A summons under subsection (1) is returnable before the court and an accused who is arrested under a warrant issued under subsection (1) shall be brought before the court or a justice.

Return.

(3) A justice before whom a warrant under subsection (1) is returned may remand the accused to appear before the court or admit him to bail upon recognizance, with or without sureties, conditioned upon such appearance.

Remand for judgment.

(4) The court may, upon the appearance of the accused pursuant to this section or subsection (4) of section 638 and upon being satisfied that the accused has failed to observe a condition of his recognizance, sentence him for the offence of which he was convicted.

Sentence

(5) Where the passing of sentence is suspended by a magistrate acting under Part XVI or Part XXIV or by a judge, and thereafter he dies or is for any reason unable to act, his powers under this section may be exercised by any other magistrate or judge, as the case may be, who has equivalent jurisdiction in the same territorial division.

Magistrate unable to act.

640. For the purposes of sections 638 and 639, "court" means

"Court."

(a) a superior court of criminal jurisdiction,

(b) a court of criminal jurisdiction,

- (c) a magistrate acting as a summary conviction court under Part XXIV, or
 (d) a court that hears an appeal.

WHIPPING.

Execution of
sentence
by whipping.

641. (1) Where a person is liable to be sentenced to be whipped, the court may sentence him to be whipped on one, two or three occasions within the limits of the prison in which he is confined.

Number of
strokes to
be specified.

(2) A sentence of whipping shall specify the number of strokes to be administered on each occasion.

Supervision.

(3) A sentence of whipping shall be executed under the supervision of the prison doctor or, if he is unable to be present, it shall be executed under the supervision of a duly qualified medical practitioner to be named by the Attorney General of Canada, where the sentence is executed in a prison administered by the Government of Canada, or, where the sentence is executed in a prison administered by the government of a province, to be named by the Attorney General of that province.

Instrument
to be used.

(4) The instrument to be used in the execution of a sentence of whipping shall be a cat-o'-nine tails, unless some other instrument is specified in the sentence.

When to be
used.

(5) A sentence of whipping shall be executed at a time to be fixed by the keeper of the prison in which it is to be executed, but, whenever practicable, a sentence of whipping shall be executed not less than ten days before the expiration of any term of imprisonment to which the convicted person has been sentenced.

Female not
to be
whipped.

(6) No female person shall be whipped.

CAPITAL PUNISHMENT.

Form of
sentence.

642. The sentence to be pronounced against a person who is sentenced to death shall be that he shall be hanged by the neck until he is dead.

Sentence of
death to be
reported to
the Minister
of Justice.

643. (1) A judge who sentences a person to death shall appoint a day for the execution of the sentence, and in appointing that day shall allow a period of time that, in his opinion is sufficient to enable the Governor General to signify his pleasure before that day, and shall forthwith make a report of the case to the Minister of Justice for the information of the Governor General.

When judge
may grant
reprieve.

(2) Where a judge who sentences a person to death considers

- (a) that the person should be recommended for the royal mercy, or

(b) that, for any reason, it is necessary to delay the execution of the sentence, the judge or any judge who might have held or sat in the same court may, at any time, reprieve the person for any period that is necessary for the purpose.

(3) A judge who sentences a person to death in the Northwest Territories or in the Yukon Territory shall, after appointing a day for the execution of the sentence, in accordance with subsection (1), forthwith forward to the Minister of Justice full notes of the evidence taken at the trial and his report upon the case, and the execution of the sentence shall be suspended until the report is received and the pleasure of the Governor General is signified, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge having equivalent jurisdiction.

Sentence of death in N.W.T. and Yukon.

644. (1) A person who is sentenced to death shall be confined in a safe place within a prison apart from all other prisoners.

Prisoner to be confined apart.

(2) No person other than the keeper of the prison and his servants, the prison doctor and a clergyman or minister shall have access to a person who is sentenced to death unless permission is given in writing by a judge of the court by which the sentence was imposed or by the sheriff

Who to have access.

645. (1) A sentence of death shall be executed within the walls of a prison.

Place of execution.

(2) The sheriff, the keeper of the prison, the prison doctor and any other persons required by the sheriff shall be present at the execution of a sentence of death.

Who shall attend.

(3) A clergyman or minister who desires to attend and any other person whom the sheriff considers it proper to admit may attend the execution of a sentence of death.

Who may attend.

646. (1) The prison doctor shall, as soon as possible after a sentence of death has been executed, examine the body of the executed person, ascertain the fact of death, and sign and deliver to the sheriff a certificate in Form 40.

Certificate of death.

Form.

(2) The sheriff, the keeper of the prison and any other persons who are present at the execution of a sentence of death shall, if required by the sheriff, sign a declaration in Form 41.

Declaration by sheriff and keeper.

Form.

647. Any duty that is imposed upon a sheriff, keeper of the prison or prison doctor by section 645 may, and in his absence shall, be performed by his lawful deputy or assistant, or by the officer or person who ordinarily acts for him or with him.

Deputies may act.

Coroner's
inquest.

648. (1) A coroner of a district, county or place where a sentence of death is executed shall, within twenty-four hours after the execution of the sentence, hold an inquest on the body of the executed person.

Identity
and death

(2) The jury shall, at the inquest referred to in subsection (1), inquire into and ascertain the identity of the body of the executed person, and whether sentence of death was duly executed.

Inquisition
in duplicate.

(3) The coroner shall prepare the inquisition in duplicate and shall deliver one to the sheriff.

Jurors

(4) No officer of a prison in which a sentence of death is executed and no prisoner confined therein shall be a juror on an inquest referred to in subsection (1).

Where no
coroner
in New-
foundland

(5) Where a sentence of death is executed in a district county or place in the province of Newfoundland in which there is no coroner, an inquiry shall, for the purposes of this section, be conducted without the intervention of a jury by a magistrate having jurisdiction in the district, county or place, and for the purposes of this subsection the provisions of section 649 and subsections (1), (2) and (3) of this section apply, *mutatis mutandis*.

Documents
to be sent to
the Minister
of Justice

649. Where a sentence of death is executed, the sheriff shall, as soon as possible, send the certificates mentioned in section 646 and the inquisition referred to in subsection (3) of section 648 to the Minister of Justice or to the person who, from time to time, is appointed by the Governor in Council to receive them.

Place of
burial.

650. The body of a person who is executed pursuant to a sentence of death shall be buried within the prison in which the sentence was executed, unless the Lieutenant-Governor in Council, the Commissioner of the Yukon Territory or the Commissioner of the Northwest Territories, as the case may be, otherwise orders.

Saving

651. Failure to comply with sections 643 to 649 does not make the execution of a sentence of death illegal where the execution would otherwise have been legal.

Procedure
under other
Acts not
affected

652. Sections 643 to 650 do not apply in so far as they are inconsistent with any other Act of the Parliament of Canada that provides for the imposition and execution of a sentence of death.

Regulations

653. The Governor in Council may make regulations not inconsistent with this Act with respect to the execution of sentences of death.

DISABILITIES.

654. (1) Where a person is convicted of treason or of an indictable offence for which he is sentenced to death or to imprisonment for a term exceeding five years and holds, at the time he is convicted, an office under the Crown or other public employment, the office or employment forthwith becomes vacant.

Conviction of person holding public office vacates office.

(2) A person to whom subsection (1) applies is, until he undergoes the punishment imposed upon him or the punishment substituted therefor by competent authority or receives a free pardon from Her Majesty, incapable of holding any office under the Crown or other public employment, or of being elected or sitting or voting as a member of the Parliament of Canada or of a legislature or of exercising any right of suffrage.

When disability ceases.

(3) No person who is convicted of an offence under section 102, 105 or 361 has, after that conviction, capacity to contract with Her Majesty or to receive any benefit under a contract between Her Majesty and any other person or to hold office under Her Majesty.

Disability to contract.

(4) Where a conviction is set aside by competent authority any disability imposed by this section is removed.

Removal of disability.

PARDON.

655. (1) Her Majesty may extend the royal mercy to a person who is sentenced to imprisonment under the authority of an Act of the Parliament of Canada, even if the person is imprisoned for failure to pay money to another person.

To whom pardon may be granted

(2) The Governor in Council may grant a free pardon or a conditional pardon to any person who has been convicted of an offence.

Free or conditional pardon.

(3) Where the Governor in Council grants a free pardon to a person, that person shall be deemed thereafter never to have committed the offence in respect of which the pardon is granted.

Effect of free pardon.

(4) No free pardon or conditional pardon prevents or mitigates the punishment to which the person might otherwise be lawfully sentenced on a subsequent conviction for an offence other than that for which the pardon was granted.

Punishment for subsequent offence not affected.

656. (1) The Governor in Council may commute a sentence of death to imprisonment in the penitentiary for life, or for any term of years not less than two years, or to imprisonment in a prison other than a penitentiary for a period of less than two years.

Commutation of sentence.

(2) A copy of an instrument duly certified by the Clerk of the Privy Council or a writing under the hand of the Minister of Justice or Deputy Minister of Justice declaring

Notice to authorities

that a sentence of death is commuted is sufficient notice to and authority for all persons having control over the prisoner to do all things necessary to give effect to the commutation.

Remission
by Governor
in Council.

657. (1) The Governor in Council may order the remission, in whole or in part, of a pecuniary penalty, fine or forfeiture imposed under an Act of the Parliament of Canada, whoever the person may be to whom it is payable or however it may be recoverable.

Terms of
remission.

(2) An order for remission under subsection (1) may include the remission of costs incurred in the proceedings, but no costs to which a private prosecutor is entitled shall be remitted.

Royal
prerogative.

658. Nothing in this Act in any manner limits or affects Her Majesty's royal prerogative of mercy.

PART XXI.

PREVENTIVE DETENTION.

INTERPRETATION.

659. In this Part,

"Court."

(a) "court" means

- (i) a superior court of criminal jurisdiction, or
- (ii) a court of criminal jurisdiction;

"Criminal
sexual
psychopath."

(b) "criminal sexual psychopath" means a person who, by a course of misconduct in sexual matters, has shown a lack of power to control his sexual impulses and who as a result is likely to attack or otherwise inflict injury, pain or other evil on any person, and

"Preventive
detention."

(c) "preventive detention" means detention in a penitentiary for an indeterminate period.

HABITUAL CRIMINALS.

Application
for preventive
detention.

660. (1) Where an accused is convicted of an indictable offence the court may, upon application, impose a sentence of preventive detention in addition to any sentence that is imposed for the offence of which he is convicted if

- (a) the accused is found to be an habitual criminal, and
- (b) the court is of the opinion that because the accused is an habitual criminal, it is expedient for the protection of the public to sentence him to preventive detention.

(2) For the purposes of subsection (1), an accused is an habitual criminal if

Who is
habitual
criminal.

- (a) he has previously, since attaining the age of eighteen years, on at least three separate and independent occasions been convicted of an indictable offence for which he was liable to imprisonment for five years or more and is leading persistently a criminal life, or
- (b) he has been previously sentenced to preventive detention.

CRIMINAL SEXUAL PSYCHOPATHS.

661. (1) Where an accused is convicted of

(a) an offence under

- (i) section 136,
- (ii) section 138,
- (iii) section 141,
- (iv) section 147,
- (v) section 148, or
- (vi) section 149; or

(b) an attempt to commit an offence under a provision mentioned in paragraph (a),

the court may, upon application, before passing sentence hear evidence as to whether the accused is a criminal sexual psychopath.

Evidence.

Rape.
Carnal
knowledge.
Indecent
assault on
female.
Buggery or
bestiality.
Indecent
assault on
male.
Gross
indecenty.

(2) On the hearing of an application under subsection (1) the court may hear any evidence that it considers necessary, but shall hear the evidence of at least two psychiatrists, one of whom shall be nominated by the Attorney General.

Evidence of
psychiatrists.

(3) Where the court finds that the accused is a criminal sexual psychopath it shall, notwithstanding anything in this Act or any other Act of the Parliament of Canada, sentence the accused to a term of imprisonment of not less than two years in respect of the offence of which he was convicted and, in addition, impose a sentence of preventive detention.

Sentence of
preventive
detention.

GENERAL.

662. (1) The following provisions apply with respect to applications under this Part, namely,

Notice of
application.

(a) an application under subsection (1) of section 660 shall not be heard unless

- (i) the Attorney General of the province in which the accused is to be tried consents,
- (ii) seven clear days' notice has been given to the accused by the prosecutor specifying the previous convictions and the other circumstances, if any, upon which it is intended to found the application, and

(iii) a copy of the notice has been filed with the clerk of the court or the magistrate, as the case may be; and

(b) an application under subsection (1) of section 661 shall not be heard unless seven clear days' notice thereof has been given to the accused by the prosecutor and a copy of the notice has been filed with the clerk of the court or with the magistrate, where the magistrate is acting under Part XVI.

Hearing of
application

(2) An application under this Part shall be heard and determined before sentence is passed for the offence of which the accused is convicted and shall be heard by the court without a jury.

When proof
unnecessary.

(3) For the purposes of section 660, where the accused admits the allegations contained in the notice referred to in paragraph (b) of subsection (1), no proof of those allegations is required.

Evidence of
character
and repute.

663. Without prejudice to the right of the accused to tender evidence as to his character and repute, evidence of character and repute may, where the court thinks fit, be admitted on the question whether the accused is or is not persistently leading a criminal life or is or is not a criminal sexual psychopath, as the case may be.

Commence
ment of
sentence

664. A sentence of preventive detention shall commence immediately upon the determination of the sentence imposed upon the accused for the offence of which he was convicted, but the Governor in Council may, at any time, commute that sentence to a sentence of preventive detention.

Commuta-
tion

Where to
be served.

665. (1) Notwithstanding anything in this Act or any other Act of the Parliament of Canada an accused who is sentenced to preventive detention shall serve in a penitentiary the sentence for the offence of which he was convicted as well as the sentence of preventive detention.

Prison set
apart.

(2) An accused who is sentenced to preventive detention may be confined in a penitentiary or part of a penitentiary set apart for that purpose and shall be subject to such disciplinary and reformatory treatment as may be prescribed by law.

Review by
Minister of
Justice.

666. Where a person is in custody under a sentence of preventive detention, the Minister of Justice shall, at least once in every three years, review the condition, history and circumstances of that person for the purpose of determining whether he should be permitted to be at large on licence, and if so, on what conditions.

667. (1) A person who is sentenced to preventive detention under this Part may appeal to the court of appeal against that sentence. Appeal

(2) The Attorney General may appeal to the court of appeal against the dismissal of an application for an order under this Part. Appeal by Attorney General

(3) The provisions of Part XVIII with respect to procedure on appeals apply, *mutatis mutandis*, to appeals under this section. Part XVIII applies *re* appeals.

PART XXII.

EFFECT AND ENFORCEMENT OF RECOGNIZANCES.

668. (1) Applications for the forfeiture of recognizances shall be made to the courts, designated in Column II of the Schedule, of the respective provinces designated in Column I of the Schedule. Applications for forfeiture of re-cognizances

(2) In this Part,

(a) "clerk of the court" means the officer designated in Column III of the Schedule in respect of the court designated in Column II of the Schedule, and "Clerk of the Court."

(b) "Schedule" means the schedule to this Part. "Schedule."

669. Where a person is bound by recognizance to appear before a court, justice or magistrate for any purpose and the session or sittings of that court or the proceedings are adjourned or an order is made changing the place of trial, that person and his sureties continue to be bound by the recognizance in like manner as if it had been entered into with relation to the resumed proceedings or the trial at the time and place at which the proceedings are ordered to be resumed or the trial is ordered to be held. Recognizance binding

670. (1) Where an accused is bound by recognizance to appear for trial, his arraignment or conviction does not discharge the recognizance, but it continues to bind him and his sureties, if any, for his appearance until he is discharged or sentenced, as the case may be. Responsibility of sureties.

(2) Notwithstanding subsection (1), the court, justice or magistrate may commit an accused to prison or may require him to furnish new or additional sureties for his appearance until he is discharged or sentenced, as the case may be. Commitment or new sureties.

(3) The sureties of an accused who is bound by recognizance to appear for trial are discharged if he is committed to prison pursuant to subsection (2). Effect of committal.

(4) The provisions of section 669 and subsections (1), (2) and (3) of this section shall be endorsed on any recognizance entered into pursuant to this Act. Endorsement on recognizance.

Effect of
subsequent
arrest.

671. Where an accused is bound by recognizance to appear for trial, his arrest upon another charge does not vacate the recognizance, but it continues to bind him and his sureties, if any, for his appearance until he is discharged or sentenced, as the case may be, in respect of the offence to which the recognizance relates.

Render of
accused by
sureties.

672. (1) A surety for a person who is bound by recognizance to appear may, by an application in writing to a court, justice or magistrate apply to be relieved of his obligation under the recognizance, and the court, justice or magistrate shall thereupon issue an order in writing for committal of that person to the prison nearest to the place where he was, under the recognizance, bound to appear.

Arrest.

(2) An order under subsection (1) shall be given to the surety and upon receipt thereof he or any peace officer may arrest the person named in the order and deliver him with the order to the keeper of the prison named therein, and the keeper shall receive and imprison him until he is discharged according to law.

Certificate
and entry
of render.

(3) Where a judge, justice or magistrate who issues an order under subsection (1) receives from the sheriff a certificate that the person named in the order has been committed to prison pursuant to subsection (2), he shall order an entry of the committal to be endorsed on the recognizance.

Discharge
of sureties.

(4) An endorsement under subsection (3) vacates the recognizance and discharges the sureties.

Render of
accused in
court by
sureties.

673. A surety for a person who is bound by recognizance to appear may bring that person into the court at which he is required to appear at any time during the sittings thereof and before his trial and the surety may discharge his obligation under the recognizance by giving that person into the custody of the court, and the court shall thereupon commit that person to prison until he is discharged according to law.

Rights of
surety
preserved.

674. Nothing in this Part limits or restricts any right that a surety has of taking and giving into custody any person for whom, under a recognizance, he is a surety.

Application
for bail
after render.

675. Where a surety for a person has rendered him into custody and that person has been committed to prison, he may apply to the court, justice or magistrate before whom he was required to appear to be admitted again to bail, and the court, justice or magistrate may

(a) refuse the application, or

(b) allow the application and make any order with respect to the number of sureties and the amount of the bail that is considered proper in the circumstances.

676. (1) Where, in proceedings to which this Act applies, a person who is bound by recognizance does not comply with a condition of the recognizance, a court, justice or magistrate having knowledge of the facts shall endorse or cause to be endorsed on the back of the recognizance a certificate in Form 29 setting out

Default to be endorsed

- (a) the nature of the default,
- (b) the reason for the default, if it is known,
- (c) whether the ends of justice have been defeated or delayed by reason of the default, and
- (d) the names and addresses of the principal and sureties.

(2) A recognizance that has been endorsed pursuant to subsection (1) shall be sent to the clerk of the court and shall be kept by him with the records of the court.

Transmission to clerk of court.

(3) A certificate that has been endorsed on a recognizance pursuant to subsection (1) is *prima facie* evidence of the default to which it relates.

Prima facie evidence.

(4) Where, in proceedings to which this section applies, the principal or surety has deposited money as security for the performance of a condition of a recognizance, that money shall be sent to the clerk of the court with the defaulted recognizance, to be dealt with in accordance with this Part.

Transmission of deposit.

677. (1) Where a recognizance has been endorsed with a certificate pursuant to section 676 and has been received by the clerk of the court pursuant to that section,

Proceedings in case of default.

- (a) a judge of the court shall, upon the request of the clerk of the court or the Attorney General or counsel acting on his behalf, fix a time and place for the hearing of an application for the forfeiture of the recognizance, and

Judge to fix time for hearing.

- (b) the clerk of the court shall, not less than ten days before the time fixed under paragraph (a) for the hearing, send by registered mail to each principal and surety named in the recognizance, directed to him at the address set out in the certificate, a notice requiring him to appear at the time and place fixed by the judge to show cause why the recognizance should not be forfeited.

Notice of hearing.

(2) Where subsection (1) has been complied with, the judge may, after giving the parties an opportunity to be heard, in his discretion grant or refuse the application and make any order with respect to the forfeiture of the recognizance that he considers proper.

Order of judge.

(3) Where, pursuant to subsection (2), the judge orders forfeiture of the recognizance, the principal and his sureties become judgment debtors of the Crown, each in the amount that he has pledged himself to pay, and the clerk of the

Fieri facias to issue.

court or, in the province of Quebec, the prothonotary, shall issue a writ of *feri facias* in Form 30 and deliver it to the sheriff of the territorial division in which the order was made.

Transfer of
deposit

(4) Where a deposit has been made by a person against whom an order for forfeiture of a recognizance has been made, no writ of *feri facias* shall issue, but the amount of the deposit shall be transferred by the person who has custody of it to the person who is entitled by law to receive it.

Levy under
writ.

678. (1) Where a writ of *feri facias* is issued pursuant to section 677, the sheriff to whom it is delivered shall execute the writ and deal with the proceeds thereof in the same manner in which he is authorized to execute and deal with the proceeds of writs of *feri facias* issued out of superior courts in the province in civil proceedings.

Costs

(2) Where this section applies the Crown is entitled to the costs of execution and of proceedings incidental thereto that are fixed, in the province of Quebec, by any tariff applicable in the Superior Court in civil proceedings, and in any other province, by any tariff applicable in the superior court of the province in civil proceedings, as the judge may direct.

Committa
when writ
not satisfied

679. (1) Where a writ of *feri facias* has been issued under this Part and it appears from a certificate in a return made by the sheriff that sufficient goods and chattels, lands and tenements cannot be found to satisfy the writ, or that the proceeds of the execution of the writ are not sufficient to satisfy it, a judge of the court may, upon the application of the Attorney General or counsel acting on his behalf, fix a time and place for the sureties to show cause why a warrant of committal should not be issued in respect of them.

Notice

(2) Seven clear days' notice of the time and place fixed for the hearing pursuant to subsection (1) shall be given to the sureties.

Hearing

(3) The judge shall, at the hearing referred to in subsection (1), inquire into the circumstances of the case and may in his discretion

(a) order the discharge of the amount for which the surety is liable, or

(b) make any order with respect to the surety and to his imprisonment that he considers proper in the circumstances and issue a warrant of committal in Form 24.

Warrant of
committal

(4) A warrant of committal issued pursuant to this section authorizes the sheriff to take into custody the person in respect of whom the warrant was issued and to confine him in a prison in the territorial division in which the writ

was issued or in the prison nearest to the court, until satisfaction is made or until the period of imprisonment fixed by the judge has expired.

(5) In this section and in section 677, "Attorney General" means, where subsection (2) of section 626 applies, the Attorney General of Canada. ^{"Attorney General."}

SCHEDULE

Column I.	Column II.	Column III.
Ontario.....	The Supreme Court, in respect of a recognizance for the appearance of a person before that court. A judge of the Court of Appeal in respect of a recognizance for the appearance of a person before that court. A Court of the General Sessions of the Peace in respect of a recognizance for the appearance of a person before that court, a judge acting under Part XVI, a justice or a magistrate.	The Registrar or Local Registrar of the Supreme Court. The Registrar of the Supreme Court. Clerk of the Peace.
Quebec.....	The Superior Court, exercising civil jurisdiction.	The Clerk of the Peace.
Nova Scotia.....	A judge of the Supreme Court in respect of a recognizance for the appearance of a person before the Supreme Court <i>in banco</i> . A judge of the County Court in respect of a recognizance for the appearance of a person before a judge of the Supreme Court, a judge of the County Court, a judge acting under Part XVI, a justice or a magistrate.	The Prothonotary at Halifax. The Clerk of the County Court.
New Brunswick.....	The Supreme Court.....	The Registrar of the Supreme Court.
Manitoba.....	The Court of Queen's Bench.....	The Clerk or Deputy Clerk of the Crown and Pleas.
British Columbia.....	The Supreme Court in respect of a recognizance for the appearance of a person before that court or the Court of Appeal. A County Court in respect of a recognizance for the appearance of a person before that court, a judge acting under Part XVI, a justice or a magistrate.	The District Registrar of the Supreme Court. The Clerk of the County Court.
Prince Edward Island.	The Supreme Court of Judicature.....	The Prothonotary.
Saskatchewan.....	The Court of Queen's Bench in respect of a recognizance for the appearance of a person before that Court or the Court of Appeal. A District Court in respect of a recognizance for the appearance of a person before that Court, a judge acting under Part XVI, a justice or a magistrate.	The Local Registrar of the Court of Queen's Bench. The Clerk of the District Court.
Alberta.....	The Supreme Court in respect of a recognizance for the appearance of a person before that Court or the Court of Appeal. A District Court in respect of a recognizance for the appearance of a person before that Court, a judge acting under Part XVI, a justice or a magistrate.	The Clerk of the Supreme Court. The Clerk of the District Court.
Newfoundland.....	The Supreme Court.....	The Registrar of the Supreme Court.
Yukon Territory.....	The Territorial Court.....	The Clerk of the Court
Northwest Territories..	The Territorial Court.....	The Clerk of the Court.

PART XXIII.

EXTRAORDINARY REMEDIES.

680. This Part applies to proceedings in criminal matters by way of *certiorari*, *habeas corpus*, *mandamus* and prohibition. Application of Part.

681. Where a person, being in custody by reason that he is charged with or has been convicted of an indictable offence, has instituted proceedings to which this Part applies, before a judge or court having jurisdiction, to have the legality of his imprisonment determined, the judge or court may, without determining the question, make an order for the further detention of that person and direct the judge, justice or magistrate under whose warrant he is in custody, or any other judge, justice or magistrate to take any proceedings, hear such evidence or do any other thing that, in the opinion of the judge or court, will best further the ends of justice. Detention of prisoner on inquiry as to legality of imprisonment.

682. No conviction or order shall be removed by *certiorari* Where conviction or order not reviewable.

- (a) where an appeal was taken, whether or not the appeal has been carried to a conclusion, or
- (b) where the defendant appeared and pleaded and the merits were tried, and an appeal might have been taken, but the defendant did not appeal.

683. (1) No conviction, order or warrant for enforcing a conviction or order shall, on being removed by *certiorari*, be held to be invalid by reason of any irregularity, informality or insufficiency therein, where the court before which or the judge before whom the question is raised, upon perusal of the evidence, is satisfied Conviction or order removable, when.

- (a) that an offence of the nature described in the conviction, order or warrant, as the case may be, was committed,
- (b) that there was jurisdiction to make the conviction or order or issue the warrant, as the case may be, and
- (c) that the punishment imposed, if any, was not in excess of the punishment that might lawfully have been imposed,

but the court or judge has the same powers to deal with the proceedings in the manner that he considers proper that are conferred upon a court to which an appeal might have been taken.

Correcting
punishment.

(2) Where, in proceedings to which subsection (1) applies, the court or judge is satisfied that a person was properly convicted of an offence but the punishment that was imposed is greater than the punishment that might lawfully have been imposed, the court or judge

In case of
fine.

(a) shall correct the sentence,

(i) where the punishment is a fine, by imposing a fine that does not exceed the maximum fine that might lawfully have been imposed,

In case of
imprison-
ment.

(ii) where the punishment is imprisonment, and the person has not served a term of imprisonment under the sentence that is equal to or greater than the term of imprisonment that might lawfully have been imposed, by imposing a term of imprisonment that does not exceed the maximum term of imprisonment that might lawfully have been imposed, or

Where both
are imposed.

(iii) where the punishment is a fine and imprisonment, by imposing a punishment in accordance with subparagraph (i) or (ii), as the case requires, or

Remitting
matter
to justice.

(b) shall remit the matter to the judge, justice or magistrate and direct him to impose a punishment that is not greater than the punishment that may be lawfully imposed.

Amendment.

(3) Where an adjudication is varied pursuant to subsection (1) or (2), the conviction and warrant of committal, if any, shall be amended to conform with the adjudication as varied.

Sufficiency
of statement.

(4) Any statement that appears in a conviction and is sufficient for the purpose of the conviction is sufficient for the purposes of an information, summons, order or warrant in which it appears in the proceedings.

Irregularities
within
section 683.

684. Without restricting the generality of section 683, that section shall be deemed to apply where

(a) the statement of the adjudication or of any other matter or thing is in the past tense instead of in the present tense,

(b) the punishment imposed is less than the punishment that might by law have been imposed for the offence that appears by the evidence to have been committed, or

(c) there has been an omission to negative circumstances, the existence of which would make the act complained of lawful, whether those circumstances are stated by way of exception or otherwise in the provision under which the offence is charged, or are stated in another provision.

685. (1) A court that has authority to quash a conviction, order or other proceeding on *certiorari* may prescribe by general order that no motion to quash any such conviction, order or other proceeding removed to the court by *certiorari*, shall be heard unless the defendant has entered into a recognizance with one or more sufficient sureties, before one or more justices of the territorial division in which the conviction or order was made, or before a judge or other officer, or has made a deposit to be prescribed with a condition that the defendant will prosecute the writ of *certiorari* at his own expense, without wilful delay, and, if ordered, will pay to the person in whose favour the conviction, order or other proceeding is affirmed, his full costs and charges to be taxed according to the practice of the court where the conviction, order or proceeding is affirmed.

General order for security by recognizance.

(2) The provisions of Part XXII relating to forfeiture of recognizances apply to a recognizance entered into under this section.

Provisions for forfeiture of recognizance apply.

686. Where a motion to quash a conviction, order or other proceeding is refused, the order of the court refusing the application is sufficient authority for the clerk of the court forthwith to return the conviction, order or proceeding to the court from which or the person from whom it was removed, and for proceedings to be taken with respect thereto for the enforcement thereof.

Effect of order dismissing application to quash.

687. (1) No order, conviction or other proceeding shall be quashed or set aside, and no defendant shall be discharged, by reason only that evidence has not been given

Conviction, etc., not set aside for want of proof of order in council.

(a) of a proclamation or order of the Governor in Council or the Lieutenant-Governor in Council;

(b) of rules, regulations or by-laws, made by the Governor in Council under an Act of the Parliament of Canada or by the Lieutenant-Governor in Council under an Act of the legislature of the province; or

(c) of the publication of a proclamation, order, rule, regulation or by-law in the *Canada Gazette* or in the official gazette for the province.

(2) Proclamations, orders, rules, regulations and by-laws mentioned in subsection (1) and the publication thereof shall be judicially noticed.

Judicial notice.

688. No warrant of committal shall, on *certiorari* or *habeas corpus*, be held to be void by reason only of any defect therein, where

Warrant of commitment not void for defect in form.

(a) it is alleged in the warrant that the defendant was convicted, and

(b) there is a valid conviction to sustain the warrant.

No action
against official
when
conviction,
etc., quashed.

689. Where an application is made to quash a conviction, order or other proceeding made or held by a magistrate acting under Part XVI or a justice on the ground that he exceeded his jurisdiction, the court to which or the judge to whom the application is made may in quashing the conviction, order or other proceeding, order that no civil proceedings shall be taken against the justice or magistrate or against any officer who acted under the conviction, order or other proceeding or under any warrant issued to enforce it.

Saving.

690. Nothing in this Act limits or affects any provision of the *Supreme Court Act* that relates to writs of *habeas corpus* arising out of criminal matters.

Appeal in
mandamus
etc.

691. (1) An appeal lies to the court of appeal from a decision granting or refusing the relief sought in proceedings by way of *mandamus*, *certiorari* or prohibition.

Part XVIII
applies.

(2) The provisions of Part XVIII apply, *mutatis mutandis*, to appeals under this section.

PART XXIV.

SUMMARY CONVICTIONS.

INTERPRETATION.

692. In this Part,

"Informant."
"Informa-
tion."

- (a) "informant" means a person who lays an information;
- (b) "information" includes
 - (i) a count in an information, and
 - (ii) a complaint in respect of which a justice is authorized by an Act of the Parliament of Canada or an enactment made thereunder to make an order;

"Order."

- (c) "order" means any order, including an order for the payment of money;

"Pro-
ceedings."

- (d) "proceedings" means
 - (i) proceedings in respect of offences that are declared by an Act of the Parliament of Canada or an enactment made thereunder to be punishable on summary conviction, and
 - (ii) proceedings where a justice is authorized by an Act of the Parliament of Canada or an enactment made thereunder to make an order;

"Prosecutor."

- (e) "prosecutor" means an informant or the Attorney-General or their respective counsel or agents:

"Sentence."

- (f) "sentence" includes a direction made under section 638;

(g) "summary conviction court" means a person who has jurisdiction in the territorial division where the subject matter of the proceedings is alleged to have arisen and who

"Summary conviction court."

(i) is given jurisdiction over the proceedings by the enactment under which the proceedings are taken,

(ii) is a justice or magistrate, where the enactment under which the proceedings are taken does not expressly give jurisdiction to any person or class of persons, or

(iii) is a magistrate, where the enactment under which the proceedings are taken gives jurisdiction in respect thereof to two or more justices; and

(h) "trial" includes the hearing of a complaint.

"Trial."

693. (1) Except where otherwise provided by law, this Part applies to proceedings as defined in this Part.

Application of part.

(2) No proceedings shall be instituted more than six months after the time when the subject matter of the proceedings arose.

Limitation.

PUNISHMENT.

694. (1) Except where otherwise expressly provided by law, every one who is convicted of an offence punishable on summary conviction is liable to a fine of not more than five hundred dollars or to imprisonment for six months or to both.

General penalty.

(2) Where the imposition of a fine or the making of an order for the payment of money is authorized by law, but the law does not provide that imprisonment may be imposed in default of payment of the fine or compliance with the order, the court may order that in default of payment of the fine or compliance with the order, as the case may be, the defendant shall be imprisoned for a period of not more than six months.

Imprisonment in default where not otherwise specified.

(3) A summary conviction court may direct that any fine, pecuniary penalty or sum of money adjudged to be paid shall be paid forthwith or, if the accused is unable to pay forthwith, at such time and on such terms as the summary conviction court may fix.

Time for payment.

INFORMATION.

695. (1) Proceedings under this Part shall be commenced by laying an information in Form 2.

Commencement of proceedings. One justice may act before the trial.

(2) Notwithstanding any other law that requires an information to be laid before or to be tried by two or more justices, one justice may

(a) receive the information,

(b) issue a summons or warrant with respect to the information, and

(c) do all other things preliminary to the trial.

Formalities of
information.

696. (1) In proceedings to which this Part applies, the information

(a) shall be in writing and under oath, and

(b) may charge more than one offence or relate to more than one matter of complaint, but where more than one offence is charged or the information relates to more than one matter of complaint, each offence or matter of complaint, as the case may be, shall be set out in a separate count.

No reference
to previous
conviction.

(2) No information in respect of an offence for which, by reason of previous convictions, a greater punishment may be imposed shall contain any reference to previous convictions.

Any justice
may act be-
fore and after
trial.

697. (1) Nothing in this Act or any other law shall be deemed to require a justice before whom proceedings are commenced or who issues process before or after the trial, to be the justice or one of the justices before whom the trial is held.

Two or more
justices.

(2) Where two or more justices have jurisdiction with respect to proceedings they shall be present and act together at the trial, but one justice may thereafter do anything that is required or is authorized to be done in connection with the proceedings.

Adjournment.

(3) Subject to section 698, in proceedings under this Part no summary conviction court other than the summary conviction court by which the plea of an accused is taken has jurisdiction for the purposes of the hearing and adjudication, but any justice may

(a) adjourn the proceedings at any time before the plea of the accused is taken, or

(b) adjourn the proceedings at any time after the plea of the accused is taken for the purpose of enabling the proceedings to be continued before the summary conviction court by which the plea was taken.

Waiving
jurisdiction

(4) A summary conviction court before which proceedings under this Part are commenced may, at any time before the trial, waive jurisdiction over the proceedings in favour of another summary conviction court that has jurisdiction to try the accused under this Part.

Idem

(5) A summary conviction court that waives jurisdiction in accordance with subsection (4) shall name the summary conviction court in favour of which jurisdiction is waived, except where, in the province of Quebec, the summary conviction court that waives jurisdiction is a judge of the sessions of the peace.

Inability
of justice
to continue

698. (1) Where a trial under this Part is commenced before a summary conviction court and a justice who is or is a member of that summary conviction court dies or

is, for any reason, unable to continue the trial, another justice who is authorized to be, or to be a member of, a summary conviction court for the same territorial division may act in the place of the justice before whom the trial was commenced.

(2) A justice who, pursuant to subsection (1), acts in the place of a justice before whom a trial was commenced Continuing trial.

(a) shall, if an adjudication has been made by the summary conviction court, impose the punishment or make the order that, in the circumstances, is authorized by law, or

(b) shall, if an adjudication has not been made by the summary conviction court, commence the trial again as a trial *de novo*.

699. Where a defendant is charged with common assault and, before the defendant enters upon his defence, the summary conviction court is, from the evidence, of the opinion Duty of court where common assault is charged.

(a) that the assault complained of was accompanied by an attempt to commit an indictable offence other than common assault or was committed in the course of the commission of an indictable offence other than common assault, or

(b) that the defendant should, for any reason, be prosecuted by indictment,

the summary conviction court shall not adjudicate thereon, but the proceedings shall be continued as for an indictable offence and the defendant shall be informed accordingly.

SUMMONS AND WARRANT.

700. (1) The provisions of Parts XIV and XV with respect to compelling the appearance of an accused before a justice apply, *mutatis mutandis*, to proceedings under this Part. Compelling appearance

(2) Where a warrant is issued in the first instance for the arrest of a defendant, a copy thereof shall be served on the person who is arrested thereunder. Copy of warrant to be served.

DEFECTS AND OBJECTIONS.

701. (1) Sections 492 and 493 apply, *mutatis mutandis*, to informations in respect of proceedings as defined in this Part. Proceedings not objectionable on certain grounds.

(2) The summary conviction court may, if it is satisfied that it is necessary for a fair trial, order that a particular, further describing any matter relevant to the proceedings, be furnished to the defendant. Particulars.

Prosecutor
need not
negative
exception, etc.

702. (1) No exception, exemption, proviso, excuse or qualification prescribed by law is required to be set out or negated, as the case may be, in an information.

Burden
of proving
exception, etc.,
on defendant

(2) The burden of proving that an exception, exemption, proviso, excuse or qualification prescribed by law operates in favour of the defendant is on the defendant, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, proviso, excuse or qualification does not operate in favour of the defendant, whether or not it is set out in the information.

Process
not objection-
able on
certain other
grounds.

703. No information, summons, conviction, order or process shall be deemed to charge two offences or to be uncertain by reason only that it states that the alleged offence was committed

(a) in different modes, or

(b) in respect of one or other of several articles, either conjunctively or disjunctively.

Amending
defective
information.

704. (1) An objection to an information for a defect apparent on its face shall be taken by motion to quash the information before the defendant has pleaded, and thereafter only by leave of the summary conviction court before which the trial takes place.

Amendment
where
variance.

(2) A summary conviction court may, upon the trial of an information, amend the information or a particular that is furnished under section 701, to make the information or particular conform to the evidence if there appears to be a variance between the evidence and

(a) the charge in the information, or

(b) the charge in the information

(i) as amended, or

(ii) as it would have been if amended in conformity with any particular that has been furnished pursuant to section 701.

(3) A summary conviction court may, at any stage of the trial, amend the information as may be necessary if it appears

Information
under wrong
Act.

(a) that the information has been laid

(i) under another Act of the Parliament of Canada instead of this Act, or

(ii) under this Act instead of another Act of the Parliament of Canada; or

(b) that the information

(i) fails to state or states defectively anything that is requisite to constitute the offence,

(ii) does not negative an exception that should be negated, or

(iii) is in any way defective in substance,

and the matters to be alleged in the proposed amendment are disclosed by the evidence taken on the trial;
or

Defective
statement.

Exception not
negated.

Defect in
substance.

- (c) that the information is in any way defective in form. Defect in form.
- (4) A variance between the information and the evidence taken on the trial is not material with respect to Variance not material
- (a) the time when the offence is alleged to have been committed, if it is proved that the information was laid within the prescribed period of limitation, or As to time.
- (b) the place where the subject matter of the proceedings is alleged to have arisen, if it is proved that it arose within the territorial jurisdiction of the summary conviction court that holds the trial. As to place.
- (5) The summary conviction court shall, in considering whether or not an amendment should be made, consider What to be considered.
- (a) the evidence taken on the trial, if any,
- (b) the circumstances of the case,
- (c) whether the defendant has been misled or prejudiced in his defence by a variance, error or omission mentioned in subsection (2) or (3), and
- (d) whether, having regard to the merits of the case, the proposed amendment can be made without injustice being done.
- (6) Where in the opinion of the summary conviction court the defendant has been misled or prejudiced in his defence by an error or omission in the information, the summary conviction court may adjourn the trial and may make such an order with respect to the payment of costs resulting from the necessity of amendment as it considers desirable. Adjournment if defendant prejudiced.

TRIAL.

705. Every summary conviction court has jurisdiction to try, determine and adjudge proceedings to which this Part applies in the territorial division over which the person who constitutes that court has jurisdiction. Jurisdiction.

706. Where, in proceedings to which this Part applies, the defendant appears for the trial and the prosecutor, having had due notice, does not appear, the summary conviction court may dismiss the information or may adjourn the trial to some other time upon such terms as it considers proper. Non-appearance of prosecutor.

707. (1) Where the prosecutor and defendant appear, the summary conviction court shall proceed to hold the trial. When both parties appear.

(2) A defendant may appear personally or by counsel or agent, but the summary conviction court may require the defendant to appear personally and may, if it thinks fit, issue a warrant in Form 7 for the arrest of the defendant, and adjourn the trial to await his appearance pursuant thereto. Counsel or agent.

Appearance
by
corporation.

(3) Where the defendant is a corporation it shall appear by counsel or agent, and if it does not appear, the summary conviction court may, upon proof of service of the summons, proceed *ex parte* to hold the trial.

Arraignment.

708. (1) Where the defendant appears the substance of the information shall be stated to him, and he shall be asked,

(a) whether he pleads guilty or not guilty to the information, where the proceedings are in respect of an offence that is punishable on summary conviction, or

(b) whether he has cause to show why an order should not be made against him, in proceedings where a justice is authorized by law to make an order.

Conviction
or order if
charge
admitted.

(2) Where the defendant pleads guilty or does not show sufficient cause why an order should not be made against him, as the case may be, the summary conviction court shall convict him or make an order against him accordingly.

Procedure if
charge not
admitted

(3) Where the defendant pleads not guilty or states that he has cause to show why an order should not be made against him, as the case may be, the summary conviction court shall proceed with the trial, and shall take the evidence of witnesses for the prosecutor and the defendant in accordance with the provisions of Part XV relating to preliminary inquiries.

Separating
trial of
counts.

(4) The summary conviction court may, before or during the trial, where it is satisfied that the ends of justice require it, direct that the defendant be tried separately upon one or more of the counts in the information.

Admission by
defendant.

(5) A defendant may admit any fact alleged against him for the purpose of dispensing with proof thereof.

Right to
make full
answer and
defence.

709. (1) The prosecutor is entitled personally to conduct his case, and the defendant is entitled to make his full answer and defence.

Examination
of witnesses.

(2) The prosecutor or defendant, as the case may be, may examine and cross-examine witnesses personally or by counsel or agent.

On oath.

(3) Every witness at a trial in proceedings to which this Part applies shall be examined under oath.

Adjournment.

710. (1) The summary conviction court may, in its discretion, before or during the trial, adjourn the trial to a time and place to be appointed and stated in the presence of the parties or their respective counsel or agents, but no such adjournment shall, except with the consent of both parties, be for more than eight days.

Security for
appearance of
defendant.

(2) Where the summary conviction court adjourns a trial it may

- (a) permit the defendant to be at large,
- (b) commit him by warrant in Form 14 to a prison within the territorial division for which the summary conviction court has jurisdiction or to such other safe custody as the summary conviction court thinks fit, or
- (c) discharge the defendant upon his recognizance in Form 28,
 - (i) with or without sureties, or
 - (ii) upon depositing such sum of money as the court directs,
 conditioned for his appearance at the time and place fixed for resumption of the trial.
- (3) Where the defendant does not appear at the time and place appointed for the trial, and service of the summons within a reasonable period before the appearance was required is proved, or does not appear for the resumption of a trial that has been adjourned in accordance with subsection (1), the summary conviction court
 - (a) may proceed *ex parte* to hear and determine the proceedings in the absence of the defendant as fully and effectually as if the defendant had appeared, or
 - (b) may, if it thinks fit, issue a warrant in Form 8 or 9, as the case may be, for the arrest of the defendant, and adjourn the trial to await his appearance pursuant thereto.
- (4) Where the prosecutor does not appear at the time and place appointed for the resumption of an adjourned trial, the summary conviction court may dismiss the information with or without costs.

Non-appearance of defendant.

Proceeding *ex parte*.

Warrant.

Non-appearance of prosecutor.

ADJUDICATION.

711. When the summary conviction court has heard the prosecutor, defendant and witnesses it shall, after considering the matter, convict the defendant or make an order against him or dismiss the information, as the case may be.

Conviction, order or dismissal.

712. (1) Where a defendant is convicted of an offence for which a greater punishment may be imposed by reason of previous convictions, no greater punishment shall be imposed upon him by reason thereof unless the prosecutor satisfies the summary conviction court that the defendant, before making his plea, was notified that a greater punishment would be sought by reason thereof.

Previous conviction.

(2) Where a defendant is convicted of an offence for which a greater punishment may be imposed by reason of previous convictions, the summary conviction court shall, upon application by the prosecutor, and upon being satisfied that the defendant was notified in accordance with sub-

Procedure where previous conviction charged.

section (1), ask the defendant whether he was previously convicted, and if he does not admit that he was previously convicted, evidence of previous convictions may be adduced.

Where
hearing
ex parte.

(3) A summary conviction court that holds a trial pursuant to subsection (3) of section 710 may, if it convicts the defendant, make inquiries with respect to previous convictions, whether or not the defendant was notified that a greater punishment would be sought by reason thereof.

Proof of
previous
conviction.

(4) For the purposes of this section, a previous conviction may be proved in the manner prescribed by section 574.

Memo. of
conviction or
order.

713. (1) Where a defendant is convicted or where an order is made against him, a minute or memorandum of the conviction or order may be made, without fee, but whether or not a minute or memorandum is made, the conviction or order shall be drawn up by the summary conviction court in Form 31 or 32, as the case may be.

Forms.
Warrant
of
committal.

(2) Where a defendant is convicted or an order is made against him, the summary conviction court shall issue a warrant of committal in Form 18 or 19, and section 447 applies in respect of a warrant of committal issued under this subsection.

Disposal of
penalties
when joint
offenders.

714. Where several persons join in committing the same offence and upon conviction each is adjudged to pay an amount to a person aggrieved, no more shall be paid to that person than an amount equal to the value of the property destroyed or injured or the amount of the injury done, together with costs, if any, and the residue of the amount adjudged to be paid shall be applied in the manner in which other penalties imposed by law are directed to be applied.

Order of
dismissal.

Forms.

715. (1) Where the summary conviction court dismisses an information it may, if requested by the defendant, draw up an order of dismissal, and shall give to the defendant a certified copy of the order of dismissal.

Effect of
certificate.

(2) A copy of an order of dismissal, certified in accordance with subsection (1) is, without further proof, a bar to any subsequent proceedings against the defendant in respect of the same cause.

Costs

716. (1) The summary conviction court may in its discretion award and order such costs as it considers reasonable and not inconsistent with the fees established by section 744, to be paid

To informant.

(a) to the informant by the defendant, where the summary conviction court convicts or makes an order against the defendant, or

To defendant.

(b) to the defendant by the informant, where the summary conviction court dismisses an information.

(2) An order under subsection (1) shall be set out in the conviction, order or order of dismissal, as the case may be. To be set out.

(3) Where a fine or sum of money or both are adjudged to be paid by a defendant, and a term of imprisonment in default of payment is imposed, the defendant is, in default of payment, liable to serve the term of imprisonment imposed, and for the purposes of this subsection, any costs that are awarded against the defendant shall be deemed to be part of the fine or sum of money adjudged to be paid. Costs are part of fine.

(4) Where no fine or sum of money is adjudged to be paid by a defendant, but costs are awarded against the defendant or informant, the person who is liable to pay them is, in default of payment, liable to imprisonment for one month. Where no fine imposed.

(5) In this section, "costs" includes the costs and charges, after they have been ascertained, of committing and conveying to prison the person against whom costs have been awarded. Definition.

SURETIES TO KEEP THE PEACE.

717. (1) Any person who fears that another person will cause personal injury to him or his wife or child or will damage his property may lay an information before a justice. Where injury or damage feared.

(2) A justice who receives an information under subsection (1) shall cause the parties to appear before him or before a summary conviction court having jurisdiction in the same territorial division. Duty of justice.

(3) The justice or the summary conviction court before which the parties appear may, if satisfied by the evidence adduced that the informant has reasonable grounds for his fears, Adjudication.

(a) order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for any period that does not exceed twelve months, or Recognizance.

(b) commit the defendant to prison for a term not exceeding twelve months if he fails or refuses to enter into the recognizance. Committal in default.

(4) A recognizance and committal to prison in default of recognizance under subsection (3) may be in Forms 28 and 20, respectively. Forms.

(5) The provisions of this Part apply, *mutatis mutandis*, to proceedings under this section. Procedure.

718. A person bound by recognizance under section 717 who commits a breach of the recognizance is guilty of an offence punishable on summary conviction. Breach of recognizance.

APPEAL.

719. For the purposes of sections 720 to 732, "appeal court" means

- | | |
|--|---|
| P.E. Island,
Newfound-
land. | (a) in the Provinces of Prince Edward Island and Newfoundland, the Supreme Court, |
| Nova Scotia,
New Brun-
swick, Man-
itoba. | (b) in the Provinces of Nova Scotia, New Brunswick and Manitoba, the county court of the district or county where the cause of the proceedings arose, |
| Quebec. | (c) in the Province of Quebec, the Superior Court, |
| Ontario. | (d) in the Province of Ontario, the county court of the district or county or group of counties where the cause of the proceedings arose, |
| Saskat-
chewan,
Alberta. | (e) in the Provinces of Saskatchewan and Alberta, the district court of the judicial district or sub-judicial district in which the cause of the proceedings arose, |
| British
Columbia. | (f) in the Province of British Columbia, the county court of the county in which the cause of the proceedings arose, and |
| Territories. | (g) in the Yukon Territory and Northwest Territories, a judge of the Territorial Court. |

720. Except where otherwise provided by law,

- | | |
|---|---|
| Appeal.
By
defendant. | (a) the defendant in proceedings under this Part may appeal to the appeal court |
| | (i) from a conviction or order made against him, or |
| | (ii) against a sentence passed upon him; and |
| By informant
or Attorney
General. | (b) the informant or the Attorney General in proceedings under this Part may appeal to the appeal court |
| | (i) from an order dismissing an information, or |
| | (ii) against a sentence passed upon a defendant, |
- and the Attorney General of Canada has the same rights of appeal in proceedings instituted at the instance of the Government of Canada and conducted by or on behalf of that government as the Attorney General of a province has under this paragraph.

721. (1) In the province of British Columbia, an appeal under section 720 shall be heard at the sittings of the appeal court that is held nearest to the place where the cause of the proceedings arose.

(2) In the provinces of Alberta and Saskatchewan an appeal under section 720 shall be heard at the sittings of the appeal court that is held nearest to the place where the cause of the proceedings arose, but the judge of the appeal court may, on the application of one of the parties, appoint a place for the hearing of the appeal.

(3) In the Yukon Territory and the Northwest Territories, an appeal under section 720 shall be heard at the place where the cause of the proceedings arose or at the place nearest thereto where a court is appointed to be held.

722. (1) Where an appeal is taken under section 720, the appellant shall Notice of appeal.

(a) prepare a notice of appeal in writing setting forth Contents.

- (i) with reasonable certainty the conviction or order appealed from or the sentence appealed against, and
- (ii) the grounds of appeal;

(b) cause the notice of appeal to be served upon

- (i) the summary conviction court that made the conviction or order or imposed the sentence, and Service.
- (ii) the respondent,

within thirty days after the conviction or order was made or the sentence was imposed; and

(c) file in the office of the clerk of the appeal court

- (i) the notice of appeal referred to in paragraph (a), Filing.
- and

(ii) an affidavit of service of the notice of appeal, not later than seven days after the last day for service of the notice of appeal upon the respondent and the summary conviction court.

(2) In the Northwest Territories, the appeal court may fix, before or after the expiration of the periods fixed by paragraphs (b) and (c) of subsection (1), a further period not exceeding thirty days within which service and filing may be effected. Time for service and filing.

(3) Where the respondent is a person engaged in enforcement of the law under which the conviction or order was made or the sentence was imposed, the appeal court may direct that a copy of the notice of appeal referred to in subsection (1) be served upon a person other than the respondent, and where the appeal court so directs, that service shall, for the purposes of this section and section 723, be deemed to be service upon the respondent. Alternative service.

723. (1) Where an appellant has complied with section 722, the appeal court shall set down the appeal for hearing at a regular or special sittings thereof and the clerk of the appeal court shall post, in a conspicuous place in his office, a notice of every appeal that has been set down for hearing and notice of the time when it will be heard. Setting down appeal.

(2) No appeal shall be set down for hearing at a time that is less than ten days after the time when service was effected upon the respondent of the notice referred to in paragraph (b) of subsection (1) of section 722, unless the parties or their counsel or agents otherwise agree in writing. Exception.

SECURITY BY APPELLANT.

724. (1) The following provisions apply in respect of appeals to the appeal court, namely, Where appeal from conviction imposing imprisonment.

- (a) where an appeal is from a conviction imposing imprisonment without alternative punishment the appellant shall

Where
appeal from
conviction
adjudging
imprisonment
in default.

- (i) remain in custody until the appeal is heard, or
- (ii) enter into a recognizance;

(b) where an appeal is from a conviction or order adjudging that a fine or sum of money be paid and imposing a term of imprisonment in default of payment, the appellant shall

- (i) remain in custody until the appeal is heard,
- (ii) enter into a recognizance, or
- (iii) deposit with the summary conviction court the amount of the fine or the sum of money to be paid and an additional amount that, in the opinion of the summary conviction court, is sufficient to cover the costs of the appeal;

Where appeal
from conviction
adjudging
fine but not
imprisonment.

(c) where an appeal is from a conviction or order adjudging that a fine or sum of money be paid but not imposing a term of imprisonment in default of payment, the appellant shall comply with subparagraph (ii) or (iii) of paragraph (b); and

Where
appeal from
dismissal
of com-
plaint.

(d) where an appeal is from an order other than an order for the payment of money or is from an order dismissing an information, the appellant shall, unless he is the Attorney General of Canada or of a province, enter into a recognizance in an amount, or deposit with the summary conviction court an amount that, in the opinion of that court, is sufficient to cover the costs of the appeal.

Formalities
of recogniz-
ance.

(2) A recognizance under this section

- (a) shall be in Form 28,
- (b) shall be entered into before a judge of the county or district court, or a justice having jurisdiction in the territorial division in which the conviction or order was made in such amount as the judge or justice directs,
- (c) may be required to be entered into with one or more sureties, and
- (d) may, where it is not entered into by one or more sureties, be required to be accompanied by a deposit of such sum of money as the summary conviction court that made the conviction or order has directed.

Conditions.

(3) The condition of a recognizance under this section shall be that

- (a) the appellant, if he was the defendant in the proceedings before the summary conviction court, will appear personally at the sittings of the appeal court at which the appeal is to be heard,
- (b) the appellant, if he was the prosecutor in the proceedings before the summary conviction court, will appear personally or by counsel at the sittings of the appeal court at which the appeal is to be heard,

(c) the appellant will abide the judgment of the appeal court on the appeal, and

(d) the appellant will pay any costs that are awarded against him.

(4) An appeal court has, with respect to a recognizance that appears to it to be insufficient, defective or invalid, the same powers that a superior court has under subsection (5) of section 735. New recog. nizance.

(5) Where an appellant is in custody an order for discharge in Form 35 shall, when a recognizance is entered into under this section, be issued by the person who takes the recognizance. Release of appellant.

725. (1) A person does not waive his right of appeal under section 720 by reason only that he pays the fine imposed upon conviction, without in any way indicating an intention to appeal or reserving the right to appeal. Payment of fine not a waiver of appeal.

(2) A conviction, order or sentence shall be deemed not to have been appealed against until the contrary is shown. Presumption.

PROCEDURE ON APPEAL.

726. (1) Where a summary conviction court is served with a copy of the notice referred to in paragraph (b) of subsection (1) of section 722, that court shall transmit the conviction, order or order of dismissal and all other material in its possession in connection with the proceedings to the appeal court before the time when the appeal is to be heard, or within such further time as the appeal court may direct, and the material shall be kept by the clerk of the court with the records of the appeal court. Transmission of conviction, etc.

(2) An appeal shall not be dismissed by the appeal court by reason only that some person other than the appellant failed to comply with the provisions of this Part relating to appeals. Saving.

(3) Where the evidence upon a trial before a summary conviction court has been taken by a stenographer duly sworn, the appellant shall, unless the appeal court otherwise orders, cause a transcript thereof, certified by the stenographer, to be furnished to the appeal court for use upon the appeal. Appellant to furnish transcript of evidence.

727. (1) Where an appeal has been lodged in accordance with this Part from a conviction or order made against a defendant, or from an order dismissing an information, the appeal court shall hear and determine the appeal by holding a trial *de novo*, and for this purpose the provisions of sections 701 to 716, insofar as they are not inconsistent with sections 720 to 732, apply, *mutatis mutandis*. Appeal.

Former
evidence.

(2) The appeal court may, for the purpose of hearing and determining an appeal, permit the evidence of any witness taken before the summary conviction court to be read if that evidence has been authenticated in accordance with section 453, and if

- (a) the appellant and respondent consent,
- (b) the appeal court is satisfied that the attendance of the witness cannot reasonably be obtained, or
- (c) by reason of the formal nature of the evidence or otherwise the court is satisfied that the opposite party will not be prejudiced,

and any evidence that is read under the authority of this subsection has the same force and effect as if the witness had given the evidence before the appeal court.

Appeal
against
sentence.

(3) Where an appeal is taken against sentence, the appeal court shall, unless the sentence is one fixed by law, consider the fitness of the sentence appealed against, and may upon such evidence, if any, as it thinks fit to require or receive, by order,

- (a) dismiss the appeal, or
- (b) vary the sentence within the limits prescribed by law for the offence of which the defendant was convicted.

General
provisions
re appeals.

(4) The following provisions apply in respect of appeals, namely,

- (a) where an appeal is based on an objection to an information or any process, judgment shall not be given in favour of the appellant

- (i) for any alleged defect therein in substance or in form, or

- (ii) for any variance between the information or process and the evidence adduced at the trial, unless it is shown

- (iii) that the objection was taken at the trial, and

- (iv) that an adjournment of the trial was refused notwithstanding that the variance referred to in subparagraph (ii) had deceived or misled the appellant; and

- (b) where an appeal is based on a defect in a conviction or order, judgment shall not be given in favour of the appellant, but the court shall make an order curing the defect.

Adjournment.

728. The appeal court may adjourn the hearing of the appeal from time to time as may be necessary.

Dismissal
for want of
prosecution.

729. The appeal court may, upon proof that notice of an appeal has been given and that the appeal has not been proceeded with or has been abandoned, order that the appeal be dismissed.

730. Where an appeal is heard and determined or is abandoned or is dismissed for want of prosecution, the appeal court may make any order with respect to costs that it considers just and reasonable. Costs.

731. (1) Where the appeal court orders the appellant or respondent to pay costs, the order shall direct that the costs be paid to the clerk of the court, to be paid by him to the person entitled to them, and shall fix the period within which the costs shall be paid. To whom costs payable, and when.

(2) Where costs are awarded against an appellant who has made a deposit to cover costs, the amount of the deposit shall be applied towards payment of costs. Application of deposit.

(3) Where costs are not paid in full within the period fixed for payment and the person who has been ordered to pay them has not been bound by a recognizance to pay them, the clerk of the court shall, upon application by the person entitled to the costs, or by any person on his behalf, and upon payment of any fee to which the clerk of the court is entitled, issue a certificate in Form 38 certifying that the costs or a part thereof, as the case may be, have not been paid. Certificate of non-payment of costs.

(4) A justice having jurisdiction in the territorial division in which a certificate has been issued under subsection (3) may, upon production of the certificate, by warrant in Form 23, commit the defaulter to imprisonment for a term not exceeding one month, unless the amount of the costs and, where the justice thinks fit so to order, the costs of the committal and of conveying the defaulter to prison are sooner paid. Committal.

732. (1) A conviction or order made by the appeal court may be enforced Enforcement of conviction or order by court of appeal.

(a) in the same manner as if it had been made by the summary conviction court, or

(b) by process of the appeal court.

(2) Where an appeal taken against a conviction or order adjudging payment of a sum of money is dismissed, the summary conviction court that made the conviction or order or a justice for the same territorial division may issue a warrant of committal as if no appeal had been taken. Enforcement by justice.

(3) Where a conviction or order that has been made by an appeal court is to be enforced by a justice, the clerk of the appeal court shall send to the justice the conviction or order and all writings relating thereto, except the notice of intention to appeal and any recognizance Duty of clerk of court.

STATED CASE.

733. For the purposes of sections 734 to 742, "superior court" means the superior court of criminal jurisdiction for the province in which the proceedings in respect of which a case is sought to be stated are carried on. "Court."

Application
for stated
case.

734. (1) A party to proceedings to which this Part applies or the Attorney General may appeal against a conviction, order, determination or other proceeding of a summary conviction court on the ground that

Grounds.

(a) it is erroneous in point of law, or

(b) it is in excess of jurisdiction,

by applying to the summary conviction court to state a case setting forth the facts as found by that court and the grounds on which the proceedings are questioned.

Rules of
court, if any,
to apply.

(2) An application to state a case shall be made and the case shall be stated within the period and in the manner directed by rules of court, if any, and where there are no rules of court otherwise providing, the following rules apply, namely,

Time and
manner of
application.

(a) the application

(i) shall be in writing and be directed to the summary conviction court,

(ii) shall be served upon the summary conviction court by leaving with that court a copy thereof within seven clear days after the time when the adjudication that is questioned was made;

When case to
be stated.

(b) the case shall be stated and signed by the summary conviction court

(i) within one month after the time when the application was made, and

(ii) after the recognizance referred to in section 735 has been entered into; and

Delivery
of stated
case.

(c) the appellant shall, within seven clear days after receiving the stated case,

(i) give to the respondent a notice in writing of the appeal with a copy of the stated case, and

(ii) transmit the stated case to the superior court.

Right of
Attorney
General of
Canada
to appeal.

(3) The Attorney General of Canada has the same rights of appeal in proceedings instituted at the instance of the Government of Canada and conducted by or on behalf of that government as the Attorney General of a province has under this section.

Recognizance
by appellant.

735. (1) The appellant shall, at the time he makes the application and before a case is stated, enter into a recognizance in Form 28 before the summary conviction court or a justice having the same jurisdiction, with or without sureties and in an amount that the summary conviction court or the justice considers proper, conditioned to prosecute his appeal without delay and to submit to the judgment of the superior court and to pay any costs that are awarded against him, or in lieu of furnishing sureties, make a cash deposit as the summary conviction court or the justice may direct.

(2) The appellant shall, before the stated case is delivered to him, pay to the summary conviction court or the justice the fees to which they are entitled. Justice's fees.

(3) Subsections (1) and (2) do not apply where the application is made by the Attorney General of Canada or the Attorney General of a province or by counsel acting on behalf of either of them. Exception.

(4) Where an appellant is in custody the summary conviction court or the justice shall order that he be released if his recognizance contains a further condition that he will appear before that court or another summary conviction court within ten days after the judgment of the superior court has been given, to abide the judgment, unless the judgment from which the appeal is taken is reversed. Discharge of appellant from custody.

(5) Where the recognizance appears to the superior court to be insufficient, defective or invalid, the superior court may permit the substitution of a new and sufficient recognizance, to be entered into before it and for that purpose may allow such time and make such examination and impose such terms with respect to the payment of costs as it considers just and reasonable, and the substituted recognizance shall, for all purposes, be as valid and effectual as if it had been entered into at the time the appellant made the application and before the case was stated. New recognizance.

736. (1) Where, pending an application for a stated case, a justice who was, or was a member of, the summary conviction court dies, quits office or is unable to act, the appellant may, upon giving notice to the respondent, apply to the superior court to state a case, and if a case is thereupon stated it shall be dealt with as if it had been stated by the summary conviction court. Procedure when justice dies or quits office.

(2) The appellant shall, before a case is stated by the superior court under this section, enter into a recognizance as provided in section 735. Recognizance.

737. Where a summary conviction court, to which an application to state a case is made, considers that the application is frivolous, it may refuse to state a case and shall, at the request of the appellant, issue to him a certificate of the refusal, but the summary conviction court shall not refuse to state a case where the application is made by or at the direction of the Attorney General of Canada or the Attorney General of a province or counsel acting on behalf of either of them. Refusal to state a case.

738. (1) Where a summary conviction court refuses to state a case, the appellant may apply to the superior court, upon an affidavit setting out the facts, for an order directing the summary conviction court and the respondent to show cause why a case should not be stated. Compelling statement of case.

Order.

(2) Where an application is made under subsection (1), the superior court may make the order or dismiss the application, with or without payment of costs by the appellant or the summary conviction court, as it considers appropriate in the circumstances.

Case to be stated.

(3) Where an order is made under this section, the summary conviction court shall, upon being served with a copy thereof and upon the appellant entering into a recognizance pursuant to subsection (1) of section 735, state a case accordingly.

No *certiorari* required.

739. No writ of *certiorari* or other writ is required to remove any conviction, order or other determination in relation to which a case is stated for the purpose of obtaining the judgment, determination or opinion of the superior court.

Powers of court hearing appeal.

740. (1) Where a case is stated under this Part, the superior court shall hear and determine the grounds of appeal and may

(a) affirm, reverse or modify the conviction, order or determination,

(b) cause the case to be sent back to the summary conviction court for amendment and deliver judgment after it has been amended, or

(c) remit the matter to the summary conviction court with the opinion of the superior court,

and may make

(d) any other order in relation to the matter that it considers proper, and

Costs.

(e) any order, with respect to costs, that it considers proper, but except as provided in subsection (2) of section 738, no order for the payment of costs shall be made against a summary conviction court that states a case.

Authority of judge.

(2) The authority and jurisdiction of the superior court to which a case is stated may, where that authority and jurisdiction may be exercised by a judge of that court, subject to any rules of court in relation thereto, be exercised by a judge of the court sitting in chambers as well in vacation as in term time.

Enforcement of adjudication.

741. (1) Where the superior court has rendered its decision on a stated case, the summary conviction court in relation to whose adjudication the case has been stated or a justice exercising the same jurisdiction has the same authority to enforce a conviction, order or determination that has been affirmed, amended or made by the superior court as the summary conviction court would have had if a case had not been stated.

Idem.

(2) An order of the superior court may be enforced by its own process.

742. (1) Every person for whom a case is stated in respect of an adjudication of a summary conviction court from which he is entitled to an appeal under section 720 shall be taken to have abandoned all his rights of appeal under that section. Statement of case precludes appeal.

(2) Where it is provided by law that no appeal lies from a conviction or order, no appeal by way of a stated case lies from such a conviction or order. No case to be stated when no appeal.

APPEALS TO COURT OF APPEAL.

743. (1) An appeal to the court of appeal, as defined in section 581 may, with leave of that court, be taken on any ground that involves a question of law alone, against On question of law.

(a) a decision of a court in respect of an appeal under section 727, or

(b) a decision of a superior court in respect of a stated case under section 740, except where the superior court to which the case was stated is the court of appeal.

(2) Sections 581 to 589 apply, *mutatis mutandis*, to an appeal under this section. Sections applicable.

(3) Notwithstanding subsection (2), the court of appeal may make any order with respect to costs that it considers proper in relation to an appeal under this section. Costs.

(4) The decision of the court of appeal may be enforced in the same manner as if it had been made by the summary conviction court before which the proceedings were originally heard and determined. Enforcement of decision.

(5) The Attorney General of Canada has the same rights of appeal in proceedings instituted at the instance of the Government of Canada and conducted by or on behalf of that government as the Attorney General of a province has under this Part. Right of Attorney General of Canada to appeal

FEEs AND ALLOWANCES.

744. The fees and allowances mentioned in the Schedule to this Part and no others are the fees and allowances that may be taken or allowed in proceedings before summary conviction courts and justices under this Part. Fees and allowances.

SCHEDULE.

FEES AND ALLOWANCES THAT MAY BE CHARGED BY
SUMMARY CONVICTION COURTS AND JUSTICES.

1. Information.....	\$1.00
2. Summons or warrant.....	0.50
3. Warrant where summons issued in first instance.	0.30
4. Each necessary copy of summons or warrant...	0.30
5. Each subpoena or warrant to or for witnesses...	0.30
(A subpoena may contain any number of names. Only one subpoena may be issued on behalf of a party in any proceeding, unless the summary conviction court or the justice considers it necessary or desirable that more than one subpoena be issued.)	
6. Information for warrant for witness and warrant for witness.....	1.00
7. Each necessary copy of subpoena to or warrant for witness.....	0.20
8. Each recognizance.....	1.00
9. Hearing and determining proceeding.....	1.00
10. Where hearing lasts more than two hours.....	2.00
11. Where two or more justices hear and determine a proceeding, each is entitled to the fee authorized by item 9.	
12. Each warrant of committal.....	0.50
13. Making up record of conviction or order upon request of a party to the proceedings.....	1.00
14. Copy of a writing other than a conviction or order, upon request of a party to the proceedings; for each folio of one hundred words.	0.10
15. Bill of costs, when made out in detail upon request of a party to the proceedings.....	0.20
(Items 14 and 15 may be charged only where there has been an adjudication.)	
16. Attending to remand prisoner.....	1.00
17. Attending to take recognizance of bail.....	1.00

FEES AND ALLOWANCES THAT MAY BE ALLOWED
TO PEACE OFFICERS.

18. Arresting a person upon a warrant or without a warrant.....	1.50
19. Serving summons or subpoena.....	0.50
20. Milage to serve summons or subpoena or to make an arrest, both ways, for each mile.....	0.10
(Where a public conveyance is not used, reasonable costs of transportation may be allowed.)	

21. Mileage where service cannot be effected, upon proof of a diligent attempt to effect service, each way, for each mile..... \$0.10
22. Returning with prisoner after arrest to take him before a summary conviction court or justice at a place different from the place where the peace officer received the warrant to arrest, if the journey is of necessity over a route different from that taken by the peace officer to make the arrest, each way, for each mile.. 0.10
23. Taking a prisoner to prison on remand or committal, each way, for each mile..... 0.10
(Where a public conveyance is not used, reasonable costs of transportation may be allowed. No charge may be made under this item in respect of a service for which a charge is made under item 22.)
24. Attending summary conviction court or justice on summary conviction proceedings, for each day necessarily employed..... 2.00
(No more than \$2.00 may be charged under this item in respect of any day notwithstanding the number of proceedings that the peace officer attended on that day before that summary conviction court or justice.)

FEES AND ALLOWANCES THAT MAY BE ALLOWED
TO WITNESSES.

25. Each day attending trial..... 4.00
26. Mileage travelled to attend trial, each way, for each mile..... 0.10

FEES AND ALLOWANCES THAT MAY BE ALLOWED
TO INTERPRETERS.

27. Each half day attending trial..... 2.50
28. Actual living expenses when away from ordinary place of residence, not to exceed per day.... 10.00
29. Mileage travelled to attend trial, each way, for each mile..... 0.10

PART XXV.

TRANSITIONAL AND CONSEQUENTIAL.

Repeal. **745.** The *Criminal Code*, chapter 36 of the Revised Statutes of Canada, 1927, is repealed.

Transitional **746.** (1) Where proceedings for an offence against the criminal law were commenced before the coming into force of this Act, the offence shall, after the coming into force of this Act, be dealt with, inquired into, tried and determined in accordance with this Act, and any penalty, forfeiture or punishment in respect of that offence shall be imposed as if this Act had not come into force, but where, under this Act, the penalty, forfeiture or punishment in respect of the offence is reduced or mitigated in relation to the penalty, forfeiture or punishment that would have been applicable if this Act had not come into force, the provisions of this Act relating to penalty, forfeiture and punishment shall apply.

Idem (2) Where proceedings for an offence against the criminal law are commenced after the coming into force of this Act the following provisions apply, namely,

(a) the offence, whenever committed, shall be dealt with, inquired into, tried and determined in accordance with this Act;

(b) if the offence was committed before the coming into force of this Act, the penalty, forfeiture or punishment to be imposed upon conviction for that offence shall be the penalty, forfeiture or punishment authorized or required to be imposed by this Act or by the law that would have applied if this Act had not come into force, whichever penalty, forfeiture or punishment is the less severe; and

(c) if the offence is committed after the coming into force of this Act, the penalty, forfeiture or punishment to be imposed upon conviction for that offence shall be the the penalty, forfeiture, or punishment authorized or required to be imposed by this Act.

Inter-pretation Act. **747.** Section 29 of the *Interpretation Act*, chapter 158 of the Revised Statutes of Canada, 1952, is repealed.

Opium and Narcotic Drug Act. **748.** Section 25 of the *Opium and Narcotic Drug Act*, chapter 201 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Except in cases tried before two justices no appeals in cases taken under section 4(1) or (2). **"25.** Except in cases tried before two justices of the peace sections 719 to 732, inclusive, and subsection (2) of section 742 of the *Criminal Code* do not apply to any con-

viction, order or proceedings in respect of any offence under subsection (1) or (2) of section 4 of this Act."

749. Subsection (2) of section 4 of the *Canada Evidence Act*, chapter 307 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Canada Evidence Act.

"(2) The wife or husband of a person charged with an offence against section 33 or 34 of the *Juvenile Delinquents Act* or with an offence against any of the sections 135 to 138, 140, 142 to 147, 149, 155, 156, 157, 158, 164, 184, 186, 189, 234 to 236, 241 to 244, 275, paragraph (c) of section 408 or an attempt to commit an offence under section 138 or 147 of the *Criminal Code*, is a competent and compellable witness for the prosecution without the consent of the person charged."

Wife or husband competent and compellable witness for prosecution.

750. (1) Wherever, in the *Combines Investigation Act*, chapter 314 of the Revised Statutes of Canada, 1952, the expression "section 498 or 498A of the *Criminal Code*" or "section 498 or 498A of the *Criminal Code*, chapter 36 of the Revised Statutes of Canada, 1927," appears, the expression "section 411 or 412 of the *Criminal Code*" shall be substituted therefor, and wherever in the said Act the expression "section 498 of the *Criminal Code*" appears there shall be substituted therefor the expression "section 411 of the *Criminal Code*".

Combines Investigation Act.

(2) Subsection (1) of section 18 of the said Act is repealed and the following substituted therefor:

Idem.

"**18.** (1) At any stage of an inquiry,

(a) the Director may, if he is of the opinion that the evidence obtained discloses a situation contrary to section 32 or 34 of this Act, or section 411 or 412 of the *Criminal Code*, and

Director may submit statement of evidence.

(b) the Director shall, if so required by the Minister, prepare a statement of the evidence obtained in the inquiry which shall be submitted to the Commission and to each person against whom an allegation is made therein."

(3) Subsections (1) and (2) of section 40 of the said Act are repealed and the following substituted therefor:

"**40.** (1) Where an indictment is found against an accused, other than a corporation, for any offence against this Act, the accused may elect to be tried without a jury and where he so elects he shall be tried by the judge presiding at the court at which the indictment is found, or the judge presiding at any subsequent sittings of that court, or at any court where the indictment comes on for trial; and in the event of such election being made the proceedings subsequent to the election shall be regulated in so far as may be applicable by the provisions of the *Criminal Code* relating to the trial of indictable offences by a judge without a jury.

Procedure for enforcing penalties

Jurisdiction
of courts.

(2) No court other than a superior court of criminal jurisdiction, as defined in the *Criminal Code*, has power to try any offence against section 32 of this Act."

*Extradition
Act.*

751. A reference in item 24 of the First Schedule to the *Extradition Act*, chapter 322 of the Revised Statutes of Canada, 1952, to an offence under a Part of the *Criminal Code*, chapter 36 of the Revised Statutes of Canada, 1927, shall be construed as a reference to the same or the corresponding offence under this Act.

Coming
into force

752. This Act shall come into force on a day to be fixed by the Governor in Council.

PART XXVI.

FORMS.

Forms.

753. (1) The forms set out in this Part varied to suit the case or forms to the like effect shall be deemed to be good, valid and sufficient in the circumstances for which, respectively, they are provided.

Seal not
required.

(2) No justice is required to attach or affix a seal to any writing or process that he is authorized to issue and in respect of which a form is provided by this Part.

FORM 1.

(Section 429.)

Information to obtain a search warrant.

Canada,
Province of
(territorial division).

This is the information of A. B., of _____ in
the said (territorial division), (occupation), hereinafter called the informant,
taken before me.

The informant says that (*describe things to be searched for and offence
in respect of which search is to be made*), and that he has reasonable grounds
for believing that the said things, or some part of them are in the (*dwelling
house, etc.*), of C. D., of _____ in the said (territorial
division) (*here add the grounds of belief, whatever they may be*).

Wherefore the informant prays that a search warrant may be granted
to search the said (*dwelling house, etc.*), for the said things.

Sworn before me
this _____ day of _____
at _____ A.D. _____

.....
Signature of Informant.

.....
A Justice of the Peace in and
for _____

FORM 2.

(Sections 439 and 695.)

Information.

Canada,
Province of
(territorial division)

This is the information of C. D., of _____
(occupation), hereinafter called the informant.

The informant says that (*if the informant has not personal knowledge
state that he has reasonable and probable grounds to believe and does believe
and state the offence.*)

Sworn before me
this _____ day of _____
at _____ A.D. _____

.....
Signature of Informant.

.....
A Justice of the Peace in and
for _____

FORM 3.

(Sections 491 and 501.)

Heading of Indictment.

Canada,	}
Province of	
(territorial division)	

In the (*set out name of the court*)

Her Majesty the Queen

against

(*name of accused*)

1. The jurors for Her Majesty the Queen present that

2. The said jurors further present that

FORM 4.

(Sections 478 and 491.)

Heading of indictment.

Canada,	}
Province of	
(territorial division)	

In the (*set out name of the court*)

Her Majesty the Queen

against

(*name of accused*)(*Name of accused*) stands charged1. That he (*state offence*).2. That he (*state offence*).

Dated this

day of

A.D.

at

.....
 (*Signature of signing officer,
 Agent of Attorney General, etc.,
 as the case may be.*)

FORM 5.

(Section 429.)

Warrant to search.

Canada,
Province of
(territorial division)

}
,
.

To the peace officers in the said (territorial division):

Whereas it appears on the oath of A. B., of
that there are reasonable grounds for believing that (*describe things to be
searched for and offence in respect of which search is to be made*) are in
at
hereinafter called the premises;

This is, therefore, to authorize and require you between the hours of
(*as the justice may direct*) to enter into the said premises and to search for
the said things and to bring them before me or some other justice.

Dated this day of A.D.
at .

.....
A Justice of the Peace in and
for .

FORM 6.

(Sections 441 and 700.)

Summons to a person charged with an offence.

Canada,
Province of
(territorial division)

}
,
.

To A. B., of (occupation):

Whereas you have this day been charged before me that (*state offence
as in the information*):

This is therefore to command you, in Her Majesty's name, to appear
before on
the day of A.D. , at
o'clock in the noon, at or
before any justice for the said (territorial division) who is there, to answer
to the said charge and to be dealt with according to law.

Dated this day of
A.D. , at

.....
A Justice of the Peace in and
for .

FORM 7.

(Sections 442, 444 and 707.)

Warrant to arrest a person charged with an offence.

Canada,	}
Province of	
(territorial division)	

To the peace officers in the said (*territorial division*):

Whereas A. B., of _____, (occupation).
hereinafter called the accused, has been charged that (*state the offence as in
the information*):

This is, therefore, to command you in Her Majesty's name forthwith to arrest the accused and to bring him before or any justice for the said (*territorial division*), to answer to the said charge and to be dealt with according to law.

Dated this

day of

A.D.

at

•

.....
A Justice of the Peace in and
for

FORM 8.

(Sections 444, 451 and 710).

Warrant where summons is disobeyed or cannot be served.

Canada,	}
Province of	
(territorial division)	

To the peace officers in the said (territorial division);

Whereas on the _____ day of _____, A.D. _____, A. B., of _____, hereinafter called the accused, was charged that (*state the offence as in the information*);

And Whereas a summons to the accused was issued commanding him, in Her Majesty's name, to appear on _____ the _____ day of _____ A.D., _____, at _____ o'clock in the _____ noon, at _____, before me or any justice who should then be there, to answer to the said charge and to be dealt with according to law;

And Whereas it appears (* _____ or ** _____);

This is therefore to command you, in Her Majesty's name, forthwith to arrest the said accused and to bring him before me or any justice in and for the said (*territorial division*), to answer to the said charge and to be dealt with according to law.

Dated this _____ day of _____
A.D. _____ at _____.

.....
A Justice of the Peace in and
for _____.

* that the accused has failed to appear at the time and place appointed by the said summons and it has been proved that the summons was duly served upon him.

** that the said summons cannot be served upon the accused.

FORM 9.

(Sections 451 and 710).

Warrant where accused fails to appear after adjournment.

Canada,
Province of
(territorial division) }

To the peace officers in the (territorial division):

Whereas A. B., of , hereinafter called the
accused, appeared before me on the day of
A.D., , on a charge that (state the offence as in the information);

And Whereas the trial (or inquiry, etc.) was adjourned to
the day of . A.D.
at ;

And Whereas the accused has failed to appear at the time and place
to which the trial (or inquiry, etc.) was adjourned:

This is therefore to command you, in Her Majesty's name, forthwith
to arrest the said accused and to bring him before me or any justice in
and for the said (territorial division), to answer to the said charge and to be
dealt with according to law.

Dated this day of A.D.
at .

.....
A Justice of the Peace in and
for

FORM 10.

(Section 456.)

Warrant to convey accused before justice of another territorial division.

Canada,	}
Province of	
(territorial division)	

To the peace officers in the said (*territorial division*):

Whereas A. B., of _____ hereinafter called the
accused, has been charged that (*state place of offence and charge*);

And Whereas I have taken the deposition of X. Y. in respect of the said charge;

And Whereas the charge is for an offence committed in the (*territorial division*);

This is to command you, in Her Majesty's name, to convey the said A. B., before a justice of the *(last-mentioned territorial division)* and to deliver to him the information, the said deposition and this warrant.

Dated this day of A.D. at .

.....
A Justice of the Peace in and
for

FORM 11.

(Section 604).

Subpœna to a witness.

Canada,
Province of
(territorial division)

}
,
.]

To E. F., of ; (occupation):

Whereas A. B. has been charged that (*state offence as in the information*), and it has been made to appear that you are likely to give material evidence for (the prosecution or the defence);

This is therefore to command you to attend before (*set out court or justice*), on the day of A.D. , at o'clock in the noon at to give evidence concerning the said charge.*

Dated this day of A.D.
at :

(Seal if required).

.....
A Justice or clerk of the court.

* Where a witness is required to produce documents add the following:
and to bring with you any writings in your possession or under your control that relate to the said charge, and more particularly the following: (*specify any writings required*).

FORM 12.

(Sections 603 and 610.)

Warrant for witness.

Canada,	,
Province of	
(territorial division)	

To the peace officers in the (*territorial division*):

Whereas A. B. of _____, has been charged
that (state offence as in the information):

And Whereas it has been made to appear that E. F. of
 _____, hereinafter called the witness, is likely to give material
 evidence for (the prosecution *or* the defence) and that*

This is therefore to command you, in Her Majesty's name, to bring the witness before (*set out court or justice*) on the _____ the _____ day of _____, A.D. _____, at _____ o'clock in the _____ noon, at _____ to give evidence concerning the said charge.

Dated this day of A.D.
at .

(Seal if required).

* Insert whichever of the following is appropriate:

- (a) the said E. F. will not attend unless compelled to do so;
(b) the said E. F. is evading service of a subpoena;
(c) the said E. F. was duly served with a subpoena and has neglected (to attend at the time and place appointed therein or to remain in attendance).
(d) the said E. F. was bound by a recognizance to attend and give evidence and has neglected (to attend or to remain in attendance).

FORM 13.

(Section 609.)

Warrant to arrest an absconding witness.

Canada,	}
Province of	
(territorial division)	

To the peace officers in the (*territorial division*):

Whereas A. B. of _____, has been charged
that (*state offence as in the information*);

And Whereas I am satisfied by information in writing and under oath that C. D. of _____, hereinafter called the witness, is bound by recognizance to give evidence upon the trial of the accused upon the said charge, and that the witness (has absconded or is about to abscond):

This is therefore to command you, in Her Majesty's name, to arrest the witness and bring him before (*the court, judge, justice or magistrate before whom the witness is bound to appear*) to be dealt with according to law.

Dated this day of A.D.
at .

A Justice of the Peace in and
for

FORM 14.

(Sections 451 and 710.)

Warrant remanding a prisoner.

Canada,
Province of
(territorial division)

}
,
.

To the peace officers in the (territorial division):

You are hereby commanded forthwith to convey to the (prison) at
the persons named in the following
schedule each of whom has been remanded to the time mentioned in the
schedule:

Person charged.	Offence.	Remanded to.
-----------------	----------	--------------

And I hereby command you, the keeper of the said prison, to receive
each of the said persons into your custody in the prison and keep him safely
until the day when his remand expires and then to have him before me or
any other justice at at o'clock in
the noon of the said day, there to answer to the charge and
to be dealt with according to law, unless you are otherwise ordered before
that time.

Dated this	day of	A.D.
at	.	.

.....
A Justice of the Peace in and
for .

FORM 15.

(Section 507).

Warrant for arrest of person against whom indictment has been found.

Canada,
Province of
(territorial division)

}
,
.

To the peace officers in (territorial division):

Whereas an indictment has been found against A. B., hereinafter called
the accused, and the accused has not (appeared or remained in attendance)
to take his trial on the said indictment before (set out court):

You are hereby commanded, in Her Majesty's name, forthwith to arrest
the accused and to bring him before the said court to be dealt with according
to law.

Dated this	day of	A.D.
at	.	.

(Seal):

.....
Clerk of the Court.

FORM 16.

(Section 457.)

Warrant of committal of witness for refusing to be sworn or to give evidence.

Canada, }
Province of }
(territorial division) }

To the peace officers in the (territorial division):

Whereas A. B. of , hereinafter called
the accused, has been charged that (set out offence as in the information);

And Whereas E. F. of , hereinafter called the
witness, attending before me to give evidence for (the prosecution or the
defence) concerning the charge against the accused (refused to be sworn or
being duly sworn as a witness refused to answer certain questions concerning
the charge that were put to him or refused or neglected to produce the
following writings, namely or refused to sign
his deposition) having been ordered to do so, without offering any just
excuse for such refusal or neglect:

This is therefore to command you, in Her Majesty's name, to take the
witness and convey him safely to the prison at ,
and there deliver him to the keeper thereof, together with the following
precept:

I do hereby command you, the said keeper, to receive the said witness
into your custody in the said prison and safely keep him there for the term
of days, unless he sooner consents to do what was required
of him, and for so doing this is a sufficient warrant.

Dated this day of A.D.
at .

.....
A Justice of the Peace in and
for .

FORM 17.

(Section 460.)

Warrant of committal for trial.

Canada,	}
Province of	
(territorial division)	

To the peace officers in the (*territorial division*) and to the keeper of the (*prison*) at

Whereas A. B., hereinafter called the accused, stands charged that
(state offence as in the information);

And Whereas on a preliminary inquiry into that charge the accused (having elected to be tried by a judge without a jury *or* by a court composed of a judge and jury, *or* not having elected, as *the case may be*) was this day committed for trial;

This is therefore to command you, in Her Majesty's name, to take the accused and convey him safely to the (*prison*) at _____ and there deliver him to the keeper thereof, with the following precept:

I do hereby command you the said keeper to receive the accused into your custody in the said prison and keep him safely there until he is delivered by due course of law.

Dated this day of A.D.
at .

.....
A Justice of the Peace in and
for

FORM 18.

(Sections 482 and 713 .)

Warrant of committal upon conviction.

Canada,	}
Province of	
(territorial division)	

To the peace officers in the (territorial division) and to the keeper of the (prison) at :

Whereas A. B., hereinafter called the accused, was this day convicted upon a charge that (*state offence as in the information*), and it was adjudged that the accused for his offence*

You are hereby commanded, in Her Majesty's name, to take the accused and convey him safely to the (*prison*) at _____ and deliver him to the keeper thereof, together with the following precept:

You, the said keeper, are hereby commanded to receive the accused into custody in the said prison and imprison him there**

and for so doing this is a sufficient warrant.

Dated this day of A.D.

at

(Seal, if required).

Clerk of the Court, Justice
or Magistrate.

* Use whichever of the following forms of sentence is applicable:

- (a) be imprisoned in the (prison) at _____
for the term of _____ ; _____ dollars
- (b) forfeit and pay the sum of _____
to be applied according to law, and also pay to _____
the sum of _____ dollars
in respect of costs and in default of payment of the said sums (forthwith or within
a time fixed, if any) be imprisoned in the (prison) at _____
for the term of _____ unless the said sums
and costs and charges of the committal and of conveying the accused to the said
prison are sooner paid;
- (c) be imprisoned in (prison) at _____ for the term
of _____ , and in addition (as in (b) above).

FORM 19.

(Section 713.)

Warrant of committal upon an order for the payment of money.

Canada,
Province of
(territorial division)

}
,
.

To the peace officers in the (territorial division) and to the keeper of the (prison) at :

Whereas A. B., hereinafter called the defendant, was tried upon an information alleging that (set out matter of complaint), and it was ordered that (set out the order made), and in default that the defendant be imprisoned in the (prison) at for a term of ;

I hereby command you, in Her Majesty's name, to take the defendant and convey him safely to the (prison) at and deliver him to the keeper thereof together with the following precept:

I hereby command you the keeper of the said prison to receive the defendant into your custody in the said prison and imprison him there for the term of , unless the said amounts and the costs and charges of the committal and of conveying the defendant to the said prison are sooner paid, and for so doing this is a sufficient warrant.

Dated this day of , A.D.

.....
A Justice of the Peace in and
for .

FORM 20.

(Sections 637 and 717.)

Warrant of committal for failure to furnish recognizance to keep the peace.

Canada,	}
Province of	
(territorial division)	

To the peace officers in the (territorial division) and to the keeper of the (prison) at :

Whereas A. B., hereinafter called the accused, has been ordered to enter into a recognizance to keep the peace and be of good behaviour, and has (refused or failed) to enter into a recognizance accordingly;

You are hereby commanded, in Her Majesty's name, to take the accused and convey him safely to the (*prison*) at _____ and deliver him to the keeper thereof together with the following precept:

You, the said keeper, are hereby commanded to receive the accused into your custody in the said prison and imprison him there until he enters into a recognizance as aforesaid or until he is discharged in due course of law.

Dated this day of A.D.

at

(Seal, if required).

Clerk of the Court, Justice
or Magistrate.

FORM 21.

(Section 461.)

Warrant of committal of witness for failure to enter into recognizance.

Canada,	}
Province of	
(territorial division)	

To the peace officers in the (*territorial division*) and to the keeper of
the (*prison*) at :

Whereas A. B., hereinafter called the accused, was committed for trial on a charge that (*state offence as in the information*);

And Whereas E. F., hereinafter called the witness, having appeared as a witness on the preliminary inquiry into the said charge, and being required to enter into a recognizance to appear as a witness on the trial of the accused on the said charge, has (failed or refused) to do so;

This is therefore to command you, in Her Majesty's name, to take and safely convey the said witness to the (*prison*) at _____ and there deliver him to the keeper thereof, together with the following precept:

I do hereby command you, the said keeper, to receive the witness into your custody in the said prison and keep him there safely until the trial of the accused upon the said charge, unless before that time the witness enters into the said recognizance.

Dated this _____ day of _____ A.D. _____
at _____ :

.....
A Justice of the Peace in and
for

FORM 22.

(Section 612.)

Warrant of committal for contempt.

Canada,
Province of
(territorial division)

}
,
.

To the peace officers in the said (territorial division) and to the keeper of the (prison) at :

Whereas E. F. of , hereinafter called the defaulter, was on the day of A.D. , at , convicted before for contempt in that he did not attend before to give evidence on the trial of a charge that (state offence as in the information) against A. B. of , although (duly subpoenaed or bound by recognizance to appear and give evidence in that behalf, as the case may be) and did not show any sufficient excuse for his default;

And Whereas in and by the said conviction it was adjudged that the defaulter (set out punishment adjudged);

And Whereas the defaulter has not paid the amounts adjudged to be paid; (delete if not applicable)

This is therefore to command you, in Her Majesty's name, to take the defaulter and convey him safely to the prison at and there deliver him to the keeper thereof, together with the following precept:

I do hereby command you, the said keeper, to receive the defaulter into your custody in the said prison and imprison him there* and for so doing this is a sufficient warrant.

Dated this day of A.D.
at .

.....
A Justice or clerk of the court.
(Seal, if required).

* Insert whichever of the following is applicable:

- (a) for the term of
- (b) for the term of unless the said sums and the costs and charges of the committal and of conveying the defaulter to the said prison are sooner paid, or
- (c) for the term of and for the term of (if consecutive so state) unless the said sums and costs and charges of the committal and of conveying the defaulter to the said prison are sooner paid.

FORM 23.

(Section 731)

Warrant of committal in default of payment of costs of an appeal.

Canada,
Province of
(territorial division)

}
,
.

To the peace officers of (territorial division) and to the keeper of the (prison) at :

Whereas it appears that upon the hearing of an appeal before the (set out court), it was adjudged that A. B., of hereinafter called the defaulter, should pay to the Clerk of the Court the sum of dollars in respect of costs;

And Whereas the Clerk of the Court has certified that the defaulter has not paid the sum within the time limited therefor;

I do hereby command you the said peace officers, in Her Majesty's name, to take the defaulter and safely convey him to the (prison) at and deliver him to the keeper thereof, together with the following precept:

I do hereby command you, the said keeper, to receive the defaulter into your custody in the said prison and imprison him for the term of , unless the said sum and the costs of the committal and of conveying the defaulter to prison are sooner paid, and for so doing this is a sufficient warrant.

Dated this day of A.D.
at .

.....
A Justice of the Peace in and
for .

FORM 24.

(Section 679.)

Warrant of committal on forfeiture of a recognizance.

Canada,
Province of
(territorial division)

}
,
.

To the sheriff of (territorial division) and to the keeper of the (prison)
at :

You are hereby commanded to take (A. B. and C. D. *as the case may be*)
hereinafter called the defaulters, and to convey them safely to the (prison)
at and deliver them to the
keeper thereof, together with the following precept:

You, the said keeper, are hereby commanded to receive the defaulters
into your custody in the said prison and imprison them for a period of
or until satisfaction
is made of a judgment debt of dollars due
to Her Majesty the Queen in respect of the forfeiture of a recognizance entered
into by on the day
of A.D. .

Dated this day of A.D. .

(Seal):

.....
Clerk of the .

FORM 25.

(Sections 429 (2), 447 and 713.)

Endorsement of warrant.

Canada,
Province of
(territorial division)

}
,
.

Pursuant to application this day made to me, I hereby authorize the
execution of this warrant within the said (territorial division).

Dated this day of A.D.
at .

.....
A Justice of the Peace in and
for .

FORM 26.

(Section 451.)

*Order for accused to be brought before justice prior to
expiration of period of remand.*

Canada,
Province of
(territorial division) }

To the keeper of the (prison) at

:

Whereas by warrant dated the day of
A.D. , I committed A. B., hereinafter called the accused, to your
custody and required you safely to keep him until the
day of A.D. , and then to have him
before me or any other justice at at
o'clock in the noon to answer to the charge against him and to
be dealt with according to law unless you should be ordered otherwise
before that time:

Now, therefore, I order and direct you to have the accused before
at at
o'clock in the noon to answer to the charge against him and to
be dealt with according to law.

Dated this

day of

A.D.

at

.

.....
A Justice of the Peace in and
for .

FORM 27.

(Section 453.)

Deposition of a witness.

Canada,	}
Province of	
(territorial division)	

These are the depositions of X. Y., of _____, and M. N., of _____, taken before me, this _____ day of _____ A.D. _____, at _____, in the presence and hearing of A. B., hereinafter called the accused, who stands charged (*state offence as in the information*).

X. Y., having been duly sworn, deposes as follows: *(insert deposition as nearly as possible in words of witness.)*

M. N., having been duly sworn, deposes as follows:

I certify that the depositions of X. Y., and M. N., written on the several sheets of paper hereto annexed to which my signature is affixed, were taken in the presence and hearing of the accused (and signed by them respectively, in his presence, *where they are required to be signed by witness*). In witness whereof I have hereto signed my name.

.....
A Justice of the Peace in and
for

FORM 28.

(Sections 451, 461, 463, 611, 637, 638, 669, 670, 710, 717, 724 and 735.)

(N.B. The provisions of sections 669 and 670 (1), (2) and (3) must be endorsed on a recognizance. See section 670 (4)).

Recognizance.

Canada,
Province of
(territorial division)

}
,
}

Be it remembered that on this day the persons named in the following schedule personally came before me and severally acknowledged themselves to owe to Her Majesty the Queen the several amounts set opposite their respective names, namely,

Name	Address	Occupation	Amount
A. B.			
C. D.			
E. F.			

to be made and levied of their several goods and chattels, lands and tenements, respectively, to the use of Her Majesty the Queen, if the said A. B. fails in the condition hereunder written.

Taken and acknowledged before me on the _____ day of _____
A.D. _____ at _____.

.....
A Justice of the Peace in and
for _____.

* Use whichever of the following conditions is appropriate:

(a) Whereas the said A. B. has been charged (*state offence as in the information*);

Now, therefore, the condition of the above written recognizance is that if the said A. B. appears before the (*state court, judge or justice*) on the _____ day of _____ A.D. _____ at _____ o'clock in the _____ noon, at _____ (*place*) to answer to the charge and to be dealt with according to law, the said recognizance is void, otherwise it stands in full force and virtue.

(b) Whereas the said A. B., hereinafter called the accused, was committed to stand his trial before a judge acting under Part XVI, on a charge that: (*set out charge*)

Now, therefore, the condition of the above written recognizance is that if the accused appears before the presiding judge at the time and place fixed for his trial and there surrenders himself and takes his trial on the indictment that is found against him and does not depart the said court without leave, the said recognizance is void, otherwise it stands in full force and virtue.

(c) Whereas the said A. B., hereinafter called the accused, was committed for trial before (*set out court*);

Continued next page

FORM 30.

(Section 677.)

Writ of fieri facias.

Elizabeth II by the Grace of God, etc.

To the sheriff of (*territorial division*), GREETING,

You are hereby commanded to levy of the goods and chattels, lands and tenements of each of the following persons the amount set opposite the name of each:

Name	Address	Occupation	Amount
------	---------	------------	--------

And you are further commanded to make a return of what you have done in execution of this writ.

Dated this day of A.D.
at .

(Seal).

.....
Clerk of the

FORM 31.

(Sections 482 and 713.)

Conviction.

Canada,	}
Province of	
(territorial division)	

Be it remembered that on the _____ day of _____ at _____, A. B., hereinafter called the accused, was tried under Part (XVI or XXIV) of the Criminal Code upon the charge that (*state fully the offence of which accused was convicted*), was convicted of the said offence and the following punishment was imposed upon him, namely,*

Dated this day of A.D.
at .

(Seal, if required).

.....
Clerk of the Court, Justice *or*
Magistrate.

* Use whichever of the following forms of sentence is applicable:

- (a) That the said accused be imprisoned in the (prison) at _____ for the term of _____
- (b) That the said accused forfeit and pay the sum of _____ dollars to be applied according to law and also pay to the sum of _____ dollars in respect of costs and in default of payment of the said sums (forthwith or within a time fixed, if any) to be imprisoned in the (prison) at _____ for the term of _____ unless the said sums and costs and charges of the committal and of conveying the accused to the said prison are sooner paid.
- (c) That the said accused be imprisoned in the (prison) at _____ for the term of _____ and in addition forfeit and pay the sum of _____ dollars to be applied according to law and also pay to _____ the sum of _____ dollars in respect of costs and in default of payment of the said sums (forthwith or within a time fixed, if any) to be imprisoned in the (prison) at _____ for the term of _____ (if sentence to be consecutive, state accordingly) unless the said sums and costs and charges of the committal and of conveying the accused to the said prison are sooner paid.

FORM 32.

(Section 713.)

Order against a defendant.

Canada,	}
Province of	
(territorial division)	

Be it remembered that on the _____ day of _____
A.D. _____, at _____, A. B., of _____,
alleging that (*set out matter of complaint*), and it was ordered and adjudged
that (*set out the order made*).

Dated this day of A.D.
at .

.....
A Justice of the Peace in and
for

FORM 33.

(Section 482.)

Order acquitting accused.

Canada,	}
Province of	
(territorial division)	

Be it remembered that on the _____ day of _____
A.D. _____, at _____ A. B., of _____
(occupation), was tried upon
the charge that *(state fully the offence of which accused was acquitted)* and
was found not guilty of the said offence.

Dated this day of A.D.
at .

(Seal, if required).

.....
Magistrate or Clerk of the
Court.

FORM 34.

(Section 612.)

Conviction for contempt.

Canada,
Province of
(territorial division)

}
,
.

Be it remembered that on the A.D. , at day of in the (territorial division), E. F. of , hereinafter called the defaulter, is convicted by me for contempt in that he did not attend before (set out court or justice) to give evidence on the trial of a charge that (state fully offence with which accused was charged), although (duly subpoenaed or bound by recognizance to attend to give evidence, as the case may be) and has not shown before me any sufficient excuse for his default;

Wherefore I adjudge the defaulter for his said default, (set out punishment as authorized and determined in accordance with section 612).

Dated this day of A.D.
at .

(Seal, if required).

.....
A Justice or clerk of the court
as the case may be.

FORM 35.

(Sections 461, 463 and 724).

Order for discharge of a person in custody.

Canada,
Province of
(territorial division)

}
,
.

To the keeper of the (prison) at :

I hereby direct you to release E. F., detained by you under a (warrant of committal or order) dated the day of A.D. , if the said E. F. is detained by you for no other cause.

(Seal, if required).

.....
A Judge, Justice or Clerk of
the Court.

FORM 36.

(Section 538).

Challenge to array.

Canada,
Province of
(territorial division)

}
,
.

The Queen
v.
C. D.

The (prosecutor or accused) challenges the array of the panel on the ground that X. Y., (sheriff or deputy sheriff), who returned the panel, was guilty of (partiality or fraud or wilful misconduct) on returning it.

Dated this

day of

A.D.

at

.

.....
Counsel for (prosecutor or
accused).

FORM 37.

(Section 548).

Challenge for cause.

Canada,
Province of
(territorial division)

}
,
.

The Queen
v.
C. D.

The (prosecutor or accused) challenges G. H. on the ground that (set out ground of challenge in accordance with section 547(1)).

.....
Counsel for (prosecutor or
accused).

FORM 38.

(Section 731).

Certificate of non-payment of costs of appeal.

In the Court of

(Style of Cause)

I hereby certify that A. B. (the appellant or respondent, as the case may be) in this appeal, having been ordered to pay costs in the sum of dollars, has failed to pay the said costs within the time limited for the payment thereof.

Dated this day of A.D.
at .

(Sea).

.....
Clerk of the Court
of

FORM 39.

(Section 636).

Gaoler's receipt to peace officer for prisoner.

I hereby certify that I have received from X. Y., a peace officer for (territorial division) one A. B., together with a (warrant or order) issued by (set out court or justice, as the case may be).*

Dated this day of A.D.
at .

.....
Keeper of (*prison*).
.....

* (Add a statement of the condition of the prisoner.)

FORM 40.

(Section 646).

Certificate of execution of sentence of death.

I, A. B., prison doctor of the (*prison*), at
 hereby certify that I examined the body of C. D. on whom sentence of death
 was this day executed in the said prison and that I found that the said C. D.
 was dead.

Dated this

day of

A.D.

at

.

.....
 Prison doctor.

FORM 41.

(Section 646).

Declaration of sheriff and others.

We, the undersigned, hereby declare that sentence of death was this
 day executed on C. D., in our presence in the (*prison*) at .

Dated this

day of

A.D.

at

.

Sheriff of

Gaoler of

.....

.....

.....

} Others.

FORM 42.

FIREARM PERMIT.

This permit authorizes.....of

.....to have a.....
 (Address) (insert type of firearm)

.....elsewhere than in his dwelling house or place of
business for the purpose of.....
(insert purpose for which permit is required)

This permit is valid during the period.....

.....

<i>(Date of issue).</i>	<i>(Signature of person authorized to issue permits in Form 42.)</i>
-------------------------	--

FORM 43.

PERMIT TO BUY AND SELL FIREARMS AT RETAIL.

This permit authorizes.....
(Insert name of holder of permit)

of.....

to buy and sell firearms at retail.

(Date of issue). (Signature of person authorized to issue permits).

.....
(Address).

FORM 44

PERMIT TO CONVEY FIREARM.

This permit authorizes.....to convey
the firearm described herein from.....
.....(Place of delivery or place of
.....to.....
residence or business).....(Local registrar of firearms)
and thence to.....
.....(Place of residence or business)

This permit is valid only during the period.....

.....
 (Date of Issue)

.....
 (Local Registrar of Firearms)

.....
 (Address)

APPLICATION TO REGISTER FIREARM.

Place.....	DATE.....
Re..... (Name of Applicant) (Please show full Christian names)	Certificate No..... (If available)
..... Description of Firearm	

Make of Firearm	R or A	Cal.	Model	Ser. No.	No. Shots	Bbl. Lgth.
	()					

(NOTE: (R) Revolver (A) Automatic)

Obtained by:	Purchase	Exchange	Gift	Found

Obtained from.....
 Certificate No.....Address.....
 Occupation of Applicant.....
 Purpose for which firearm required.....

.....
(Signature of Applicant)

Address:

Registered under the authority of
section 93 of the Criminal Code of Canada

(Local Registrar of Firearms

.....
(Date of issue)

.....
(Address)

TRANSFER COMPLETED

Date.....Initialled by.....Police Department.....

FORM 45.

PERMIT FOR A MINOR TO ACQUIRE FIREARMS.

This permit authorizes.....
of.....
aged.....years, to acquire and have in his possession the firearm,
air-gun, air-pistol or ammunition therefor, described as follows:

.....
.....

This permit is valid during the period.....

.....
Date of Issue.

.....
*(Signature of person authorized to
issue permits).*

.....
(Address).

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 52.

An Act to amend the Criminal Code.
(Race Meetings.)

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent
the Senate and House of Commons of Canada, enacts
as follows:

1. Section 235 of the *Criminal Code*, chapter 36 of the 1951, c. 25.
Revised Statutes of Canada, 1927, as amended, is further
amended by adding thereto, immediately after subsection (2)
thereof, the following subsection:

“(2a) Subsection (2) does not apply in respect of a race meeting conducted by an association mentioned in sub-paragraph (i) of paragraph (c) of that subsection in a province other than a province in which the association, before the 1st day of May, 1954, conducted a race meeting with pari-mutuel betting under the supervision of an officer appointed by the Minister of Agriculture.”

Operation of
pari-mutuel
system.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 53.

An Act to amend the Customs Tariff.

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., cc. 60,
316;
1952-53, c. 31.

1. Schedule A to the *Customs Tariff*, chapter 60 of the Revised Statutes of Canada, 1952, is amended by striking out tariff items 146, 147, 187, 189, 263b, 290, 343, 345a, 352a, 353(a), (b), (c), (d), (e), (f), (g), (h) and (i), 402, 409c(1), 409e(1), 409f, 409m(1), 410f(1), 410o(i), 418, 426, 431h, 437, 440i, 442, 443b, 443d(1) and (2), 445r, 446k, 451, 453a, 476a, 480a, 499a, 535e, 561, 569d, 618b(1) and (2), 660a, 696(1), 696a, 703(c), 704, 705a, 710(b), 848(2) and 908, the several enumerations of goods respectively, and the several rates of duties of customs, if any, set opposite each of the said items, and by inserting in Schedule A to the said Act the items, enumerations and rates of duty that are specified in Schedule A to this Act. Schedule A
amended.

2. Schedule A to the said Act is further amended by striking out the tariff item designation "402e" respecting wire of iron or steel and substituting therefor the designation "402c". Idem.

3. Schedule B to the said Act is amended by striking out tariff items 1004, 1008, 1010, 1013, 1019, 1021, 1022, 1024, 1032, 1033, 1037, 1038, 1039, 1048, 1049, 1052, 1061, 1066 and 1068, the enumerations of goods and the rates of drawback of customs duties set opposite to the said items, and by inserting in Schedule B to the said Act the items, enumerations and rates of drawback of customs duties that are specified in Schedule B to this Act. Schedule B
amended.

4. (1) Sections 1 and 3 of this Act shall be deemed to have come into force on the 7th day of April, 1954, and to have Coming into
force.

applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day.

Idem.

(2) Section 2 of this Act shall be deemed to have come into force on the 15th day of September, 1953.

French
version
amended.

5. Tariff item 410*d* of the French version of Schedule A to the said *Customs Tariff* is amended by inserting in the first line thereof, immediately after the words "Machines et appareils", the words "de forage de puits,".

SCHEDULE A

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
12b	<i>Sausage casings, synthetic, of paper.....</i>	10 p.c.	15 p.c.	35 p.c.
146	Ale, beer, porter and stout, when imported in casks or otherwise than in bottle...per gallon And in addition thereto, under all tariffs, 88 cents per gallon.	25 cts.	35 cts	35 cts.
147	Ale, beer, porter and stout, when imported in bottles..... per gallon And in addition thereto, under all tariffs, 88 cents per gallon Six quart bottles or twelve pint bottles shall be held to contain one gallon.	15 cts.	50 cts.	50 cts.
187	Albumenized and other papers, <i>textile fabrics</i> and films, n.o.p.; <i>all the foregoing</i> chemically prepared for photographers' use.....	Free	20 p.c.	30 p.c.
189	Paper tubes and paper cones of all sizes, <i>with or without metal or plastic ends</i> , adapted for winding yarns thereon.....	Free	Free	Free
206a	(4) <i>Materials and articles, except alcohol, for the manufacture of the goods specified in (1), (2) and (3) of this item.....</i>	Free	Free	Free
237a	<i>Uranium in the form of pigs, ingots, billets or bars.</i> <i>On and after July 1, 1958</i>	Free Free	Free 15 p.c.	25 p.c. 25 p.c.
263b	Diethyl ketone, methyl normal propyl ketone and blends thereof; methyl ethyl ketone, furfural and methyl isobutyl ketone; all the foregoing for use only in the refining of oils...	Free	Free	25 p.c.
290	Cement, Portland, and hydraulic or water lime, in bulk or in barrels, bags, or casks, the weight of the barrel, bag, or cask to be included in the weight for duty....per one hundred pounds	5 cts.	8 cts.	8 cts.
343	Tin, in blocks, pigs, bars, or granular form.....	Free	5 p.c.	5 p.c.
345a	Zinc spelter and zinc in blocks, pigs, bars, rods, or granular form; zinc plates, n.o.p. per pound	$\frac{3}{4}$ ct.	1 ct.	1 ct.
352a	(1) Bells, when imported for use of churches only	Free	Free	Free
	(2) <i>Bells, electronically operated or not, including amplifiers, drivers, reproducers, transformers, keyboards, automatic control coders, pealing devices (strikes), perforated roll players and perforated rolls for such players, all specially designed for use with such bells, but not to include separate record players, control cabinets containing record playing devices nor microphones; parts thereof; the foregoing when for use in churches only.....</i>	Free	Free	Free
353	Aluminum and alloys thereof: (a) Pigs, ingots, blocks, notch bars, slabs, billets, blooms, and wire bars....per pound	Free	2 cts.	5 cts

SCHEDULE A—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	(b) Bars, rods, plates, sheets, strips, circles, squares, discs and rectangles.....per pound	Free	3 cts.	7½ cts.
	(c) Angles, channels, beams, tees and other rolled, drawn or extruded sections and shapes	Free	22½ p.c.	30 p.c.
	(d) Wire and cable, twisted or stranded or not, and whether reinforced with steel or not.....	Free	22½ p.c.	30 p.c.
	(e) Pipes and tubes.....	Free	22½ p.c.	30 p.c.
	(f) Leaf, n.o.p., or foil, less than .005 inch in thickness, plain or embossed, with or without backing.....	Free	30 p.c.	30 p.c.
	(g) Aluminum powder.....	Free	30 p.c.	30 p.c.
	(h) Aluminum leaf, less than .005 millimetre in thickness.....	Free	Free	Free
	(i) Aluminum scrap..... Nothing shall be deemed to be aluminum scrap except waste or refuse aluminum, fit only to be remelted.	Free	Free	Free
402	Woven or welded wire fencing, of iron or steel, coated or not, from wire not more than .144 inch and not less than .080 inch in diameter, with tolerance not to exceed .004 inch; wire fencing, of iron or steel, coated or not, n.o.p..	Free	12½ p.c.	15 p.c.
409c	(1) Ploughs and parts thereof.....	Free	Free	Free
409e	(1) Spraying and dusting machines and attachments therefor, including hand sprayers; apparatus for the destruction of predatory animals by the discharge of poisonous cartridges and poisonous cartridges for such apparatus; starter cartridges for diesel engines; apparatus specially designed for sterilizing bulbs; pressure testing apparatus for determining maturity of fruit; pruning hooks; pruning shears; dehorning instruments; parts of the foregoing.....	Free	Free	Free
409f	Grain crushers; grain or hay grinders; grain or hay dryers; milk coolers; steel stanchions for confining livestock either in pens or individually, including complete equipment for milking parlors; automatic stock watering bowls; barn litter carriers and track; sprinkler irrigation systems; barn hay forks, carriage, pulleys and track; hydraulic hoists for unloading vehicles; hitches and couplings; plough bolts; all the foregoing for use on the farm for farm purposes only; hay loaders; hay tedders; potato planters; potato diggers; fodder or feed cutters; ensilage cutters; post hole diggers; snaths; stumping machines; grain loaders or elevators with a capacity not exceeding 40 bushels per minute and all other agricultural implements or agricultural machinery, n.o.p.; parts of all the foregoing.....	Free	Free	Free

SCHEDULE A—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
409m	(1) Internal combustion tractors other than highway truck-tractors; accessories for such tractors (<i>not to include machines and tools for operation by tractors</i>); parts of all the foregoing.	Free	Free	Free
410f	(1) Machinery and appliances of iron or steel, of a class or kind not made in Canada, and elevators, and machinery of floating dredges, for use exclusively in alluvial gold mining; <i>parts of all the foregoing</i>	Free	Free	Free
410o	(i) Coal heading machines, electric or magnetic machines for concentrating or separating iron ores, automatic scales for use with conveyors, and parts of all the foregoing, for use exclusively in mining or metallurgical operations.....	Free	Free	Free
418	Machinery and apparatus and parts thereof, imported by manufacturers for use exclusively in the manufacture of fish meal, liquid fish and fish solubles, stock and poultry food and fertilizers from fish and waste thereof, in their own factories.....	Free	15 p.c.	20 p.c.
418a	Devices for the automatic control of the composition of sterilizing and cleaning solutions used for sterilizing and cleaning purposes in food and beverage industries and in hospitals; <i>parts of the foregoing</i>	5 p.c.	12½ p.c.	30 p.c.
426	Ozone generators or ozone airifiers and parts thereof, of a class or kind not made in Canada	Free	5 p.c.	10 p.c.
427k	(1) Machinery, of a class or kind made in Canada, for working metal by turning, milling, grinding, drilling, boring, planing, shaping, shearing or pressing, and accessories and attachments therefor; <i>parts of the foregoing</i>	10 p.c.	22½ p.c.	35 p.c.
	(2) Machinery, of a class or kind not made in Canada, for working metal by turning, milling, grinding, drilling, boring, planing, shaping, shearing or pressing, and accessories and attachments therefor; <i>parts of the foregoing</i>	Free	7½ p.c.	35 p.c.
428i	Governors and parts thereof for use in the manufacture of diesel locomotives.....	Free	7½ p.c.	30 p.c.
431h	Geophysical surveying precision instruments and equipment for use exclusively in prospecting for, or in the exploration and development of, petroleum, natural gas, water wells and minerals, or for geophysical studies for engineering projects, including the following: Magnetometers; gravity meters and other instruments designed to measure the elements, variations and distortions of the natural gravitational force; field potentiometers, meggers, non-polarizing electrodes, and electrical equipment for making measurements in drill holes; instruments and equipment for seismic prospecting; geiger muller counters and other instruments for radioactive methods of geophysical prospecting; electrical and electronic amplifying devices and electrical thermostats designed to be used with any of the foregoing;			

SCHEDULE A—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	<i>sodium iodide crystals, thallium activated, in rough cut blanks, when imported to be manufactured into parts for use in instruments for prospecting; all the foregoing of a class or kind not made in Canada, and repair parts, tripods and fitted carrying cases for any of the foregoing.....</i>	Free	Free	30 p.c.
437	Locomotives, cars and coaches and repair equipment, belonging to railroads, brought temporarily into Canada for clearing obstructions, fighting fires, or making emergency repairs on railway lines within Canada; detector cars and rail flaw detector apparatus when imported to test rail in tracks in Canada.....	Free	Free	Free
437a	(1) <i>Materials, including all parts, of a class or kind not made in Canada, used in the construction or repair of railway signal systems.....</i>	Free	Free	30 p.c.
	(2) <i>Copper oxide, zinc, alkaline electrolyte, primary (wet) cell batteries, of a class or kind not made in Canada, for railway signal systems; parts of the foregoing.....</i>	Free	Free	27½ p.c.
	(3) <i>Insulated rail joints and connections for use therewith, used in the construction or repair of railway signal systems; parts of the foregoing..</i>	Free	Free	25 p.c.
437b	<i>Motor rail cars or units and chassis for same, of a class or kind not made in Canada, for use on railways for the carriage of passenger, baggage, mail or express traffic; engines and transmissions for such motor rail cars or units; parts of the foregoing.....</i> <i>On and after July 1, 1956</i>	Free Free	Free 20 p.c.	25 p.c. 35 p.c.
440i	The following articles and materials when imported for use only in the manufacture, maintenance or repair of buoys and beacons for the Government of Canada, viz.: Flanged and dished steel boiler plate heads over five feet in diameter; lanterns and electric flashing lights; fog horn and other warning equipment; marine radio beacon timing equipment; actuating equipment, including low discharge storage batteries and motors; parts of all the foregoing....	Free	Free	Free
441g	<i>Grenades, cartridges and projectiles containing tear gas or sickening gas, imported for sale to federal, provincial or municipal law enforcement authorities.....</i>	Free	7½ p.c.	30 p.c.
442	Articles and materials which enter into the cost of manufacture of the goods enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409l, 409m, 409n, 409o, 409q, 427b(1), 439c and 618b (1), when imported for use in the manufacture of the goods enumerated in the aforesaid tariff items, or in the manufacture of parts therefor, under such regulations as the Minister may prescribe.....	Free	Free	Free

SCHEDULE A—*Continued*

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
443b	Oven thermostats, automatic oven lighters and dual valves, for use in the manufacture of apparatus designed for cooking with gas.....	Free	10 p.c.	30 p.c.
443d	(1) Gas control devices, n.o.p., of a class or kind not made in Canada, for use on, or for the manufacture or repair of, or for conversion to, gas-fired apparatus for cooking, or for heating buildings, or for heating water, or for refrigeration; including such devices when for use in the gas line between such apparatus and the meter, or in the gas line between such apparatus and the consumer's gas storage device; parts of the foregoing.....	Free	5 p.c.	30 p.c.
	(2) Gas pressure regulators for use on, or for the manufacture or repair of, or for conversion to, gas-fired apparatus for cooking, or for heating buildings, or for heating water, or for refrigeration; including such devices when for use in the gas line between such apparatus and the meter, or in the gas line between such apparatus and the consumer's gas storage device; and parts thereof: (a) When of a class or kind not made in Canada.... (b) When of a class or kind made in Canada.....	Free Free	5 p.c. 10 p.c.	30 p.c. 30 p.c.
445r	Apparatus for the receiving and transmitting of photographs, weather maps and charts, by wire; parts of the foregoing.....	Free	Free	30 p.c.
446k	Tools, wholly or in part of iron or steel, n.o.p., of a class or kind not made in Canada, for use in machines.....	Free	7½ p.c.	35 p.c.
451	Buckles, clasps, eyelets, hooks and eyes, dome, snap or other fasteners of iron, steel, brass or other metal, coated or not, n.o.p. (not being jewellery); parts of all the foregoing.....	15 p.c.	22½ p.c.	30 p.c.
453a	Metal parts, n.o.p., in any degree of manufacture but not coated, plated nor covered in any manner, for use in the manufacture of spectacle cases and jewellery boxes; hinges of any material, finished or not, for use in the manufacture of spectacle cases and jewellery boxes.....	Free	12½ p.c.	35 p.c.
476a	Glassware and other scientific apparatus for laboratory work in public hospitals; chairs and tables for surgical operating purposes and parts thereof; infant incubators and parts thereof; infant and patient identification tapes and ribbons of any material; infant identification head sets including cases, and parts thereof; electrocardiographs and parts thereof, and sensitized film and paper for use therein; electroencephalographic paper; apparatus for sterilizing purposes, including bedpan washers and sterilizers but not including washing nor laundry machines; all for the use of any public hospital, under such regulations as the Minister may prescribe.....	Free	Free	Free
480a	Invalid chairs, with wheels; invalid chairs, designed to be used with wheels; parts of the foregoing including motive power and wheel assemblies and parts thereof.....	Free	10 p.c.	15 p.c.

SCHEDULE A—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
499a	Nut shells; nut shell flour, wood flour, bark flour, and mixtures thereof; <i>corn cob granules or flour</i>	Free	Free	20 p.c.
535e	Vegetable fibres, <i>horse hair</i> , and mixtures of vegetable fibres and horse hair, for use exclusively in the manufacture of brooms and brushes....	Free	Free	7½ p.c.
546a	<i>Woven jute fabric, impregnated, imported in lengths not more than three feet each</i>	Free	5 p.c.	15 p.c.
561	Woven fabrics wholly or in part of synthetic textile fibres or filaments, not containing wool, not including fabrics in chief part by weight of silk, n.o.p..... and, per pound	27½ p.c.	40 p.c. 40 cts.	45 p.c. 40 cts.
	Woven fabrics containing five per cent or less, by weight, of synthetic textile fibres or filaments are not dutiable under this item, but are dutiable as though such fabrics were composed only of the remaining constituents.			
569d	(1) Woven fabrics, not exceeding <i>three inches</i> in width, made with unserrated selvages, generally known as single, double or four shot corded ribbon, imported by the manufacturers of men's hats for use exclusively in their own factories in making the bands for, or in binding the edges of, men's hats only.....	Free	Free	Free
	(2) <i>Woven fabrics, pleated or folded, sewn or not, in widths not exceeding three inches after pleating or folding, imported by manufacturers of men's hats for use in their own factories in making bands for men's hats only</i>	Free	Free	Free
579	<i>Buffing and polishing wheels or discs:</i> (1) <i>The component of chief value being cotton</i> ... and, per pound	25 p.c.	25 p.c.	35 p.c. 4 cts.
	(2) <i>The component of chief value being woven wool fabric weighing over twenty-five ounces per square yard</i>	10 p.c.	12½ p.c.	35 p.c.
618b	Tires and tubes, wholly or in part of rubber: (1) For <i>equipment</i> of the agricultural implements and agricultural machinery specified in tariff items 409b, 409c, 409d, 409e, 409f, 409h, 409j, 409l, and the tractors provided for in tariff item 409m.....	Free	Free	Free
	(2) N.o.p.....	20 p.c.	22½ p.c.	35 p.c.
660a	<i>Synthetic resin</i> or cellulose plastic sheets or plates, coated or not, with or without turned edges, for the production of engravings for use by printers.....	Free	7½ p.c.	30 p.c.
696	(1) Philosophical and scientific apparatus (and ancillary equipment thereto), utensils, instruments, and preparations, including boxes and bottles containing the same; maps, charts, photographic reproductions and other pictorial illustrations, casts as models, animals as research or experimental subjects; living plants, seeds, cuttings, buds, scions, tubers,			

SCHEDULE A—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	bulbs and root-stock; mechanical equipment of a class or kind not made in Canada; parts of the foregoing. All articles in this item, when for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any public hospital, college, academy, school, or seminary of learning in Canada, and not for sale or for rental, under such regulations as the Minister may prescribe.	Free	Free	Free
696a	Moving picture films, sound or silent, separate sound film track, slides and slide films, positive or negative; sound discs, records and transcriptions; models, static and moving; wall charts, maps and posters; when certified by a recognized representative authority of the Government of Canada or when certified by the Government or by a recognized representative authority of the Government of the country of production or by an appropriate representative of the United Nations Educational, Scientific and Cultural Organization as being of an international educational, scientific or cultural character; subject to such regulations as the Minister may prescribe.	Free	Free	Free
703	(c) Goods (not including alcoholic beverages, cigars, cigarettes or manufactured tobacco) imported by <i>employees of the Canadian Government</i> or by members of the Canadian Armed Forces after an absence from Canada of not less than one year and acquired by them for personal or household use and actually owned abroad by them for at least six months before their return to Canada, under such regulations as the Minister may prescribe. Any such goods that are sold or otherwise disposed of within twelve months after importation are subject to the duties and taxes otherwise prescribed.	Free	Free	Free
704	(a) Apparel, wearing and other personal and household effects not merchandise, of British subjects dying abroad, but domiciled in Canada; books, pictures, family plate or furniture, personal effects and heirlooms left by bequest to any resident of Canada, or acquired by any resident of Canada, as a result of the death of any person resident abroad, or as a gift in anticipation of the death of any such person; all such goods or articles when given as a free gift by anyone resident abroad to a resident of Canada; the Minister to be the sole judge as to whether any goods or any article imported is to be classified as entitled to the benefit of this item or not.	Free	Free	Free
	(b) Personal gifts, not exceeding twenty-five dollars in value and not including cigarettes, tobacco and alcoholic beverages, from members of the Canadian Forces serving abroad, to relatives or friends in Canada.	Free	Free	Free

SCHEDULE A—*Concluded*

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
705a	<p>Settlers' effects, viz.: Machines and implements for agricultural purposes, moved by mechanical power, and motor vehicles valued at not more than <i>twenty-five hundred dollars</i>, and boats for fishing purposes, if actually owned abroad by the settler for at least six months before his removal to Canada, and subject to regulations prescribed by the Minister of National Revenue.....</p> <p>In respect to motor vehicles valued in excess of <i>twenty-five hundred dollars</i> duty shall be payable only on the amount in excess of <i>twenty-five hundred dollars</i>.</p> <p>The said machines, vehicles, implements and boats may not be so entered unless brought by the settler on his first arrival and if sold or otherwise disposed of within twelve months after importation are subject to the duties and taxes otherwise prescribed.</p>	Free	Free	Free
705b	<p>Arms, military stores and munitions of war imported by the Government of Canada in replacement of or in anticipation of actual exchange for similar goods loaned to or exchanged or to be exchanged with the governments of a British Commonwealth country or a foreign country designated by the Governor in Council under tariff item 708, under such regulations as the Minister may prescribe.....</p>	Free	Free	Free
710	<p>(b) Usual coverings containing goods subject to any ad valorem duty, when not included in the invoice value of the goods they contain...</p> <p><i>If, in the case of sales of like goods by the exporter in the ordinary course of trade in the country of export, the value of the usual coverings is included in the invoice value of the goods they contain, then for the purposes of this item the value of the usual coverings shall be added to and be deemed to be included in the invoice value of the goods they contain and be deemed not to be charged separately on the invoice;</i></p>	Free	7½ p.c.	20 p.c.
848	<p>(2) Machinery and apparatus and parts thereof (including motive power) of a class or kind not made in Canada and drilling mud, for use in the exploration, discovery, development and operation of potash and rock salt mines or for use in the production of muriate of potash, or for use in the production of crushed and screened rock salt....</p> <p>(3) Seamless, lapwelded and electric welded iron or steel casing, tubing and drill pipe, of a class or kind not made in Canada, for use in the exploration, discovery, development and operation of potash and rock salt mines or for use in the production of muriate of potash, or for use in the production of crushed and screened rock salt....</p> <p>(4) Materials for use in the manufacture of the goods enumerated in (1), (2) and (3) of this item.....</p>	Free	Free	Free
908	Manufactures of synthetic resins including floor and wall tile containing synthetic resin, n.o.p....	15 p.c.	20 p.c.	30 p.c.

SCHEDULE B

Item No.	Goods	When Subject to Drawback	Portion of Duty (not including Special Duty or Dumping Duty) Payable as Drawback
1044	<i>Fire clay fire brick.....</i>	<i>When used by producers of iron or steel in the construction or repair of blast furnaces, open hearth furnaces (including checker chambers), electric furnaces, blast furnace stoves, soaking pit furnaces and rolling mill furnaces or in the construction or repair of ladles used with any of the foregoing furnaces.....</i>	99 p.c.
1052	<i>Machinery; precision instruments and apparatus for heat treating, welding, sorting, testing, inspecting or correcting; all of the foregoing, either new or used, of a class or kind not made in Canada; accessories and attachments, including control panels, for use with the aforementioned machinery and precision instruments and apparatus; parts of all the foregoing, not including consumable tools.</i>	<i>When for use in the plants of manufacturers of automobiles and motor vehicles or of automobile or motor vehicle parts for the manufacture of automobiles and motor vehicles or of automobile or motor vehicle parts.....</i>	99 p.c.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 54.

An Act to provide Diplomatic and Consular Immunities
for Commonwealth Representatives in Canada.

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

SHORT TITLE.

1. This Act may be cited as the *Diplomatic Immunities* Short title.
(*Commonwealth Countries*) Act.

INTERPRETATION.

2. In this Act,

- (a) "chief representative" means a person who is
recognized by the Government of Canada as the chief
representative in Canada of a country in respect of
which this Act applies, whether such person is known
by the title of High Commissioner for that country or
by another title; and
- (b) "envoy" means the envoy of a foreign sovereign power
accredited to Her Majesty in right of Canada.

Definitions
"Chief
representa-
tive."

"Envoy."

APPLICATION.

3. (1) Subject to subsection (3), this Act applies in
respect of the following countries:

Application of
Act.

- (a) Australia, Ceylon, India, New Zealand, Pakistan,
the Union of South Africa and the United Kingdom;
and
- (b) any country designated under subsection (2) as a
country in respect of which this Act applies.

Proclamation
by Governor
in Council.

(2) The Governor in Council may by proclamation designate any Commonwealth country, except Canada or any country mentioned in paragraph (a) of subsection (1), as a country in respect of which this Act applies.

Reciprocal
immunities.

(3) Where it appears to the Governor in Council that a country in respect of which this Act applies has, in relation to Canada, failed to accord immunities similar to those provided for by this Act, the Governor in Council may, by proclamation,

(a) declare that this Act does not apply in respect of that country, or

(b) declare that this Act applies in respect of that country only in such manner and to such extent as is specified in the proclamation,

and upon the issue of such proclamation this Act applies in respect of that country as specified in the proclamation.

Further
proclamation
by Governor
in Council.

(4) The Governor in Council may by further proclamation amend or revoke any proclamation issued under subsection (3).

IMMUNITIES.

Chief Representative.

Chief rep-
resentative.

4. A chief representative is entitled to the like immunities from suit and legal process and the like inviolability of residence, official premises and official archives as are accorded to an envoy.

Staff.

Official staff.

5. (1) Such members of the official staff of a chief representative as are performing duties substantially corresponding to those performed by members of the official staff of an envoy are entitled to the like immunities from suit and legal process as are accorded to members of the official staff of an envoy.

Family of
chief rep-
resentative
and staff.

(2) The members of the family of a chief representative or of a member of the official staff of the chief representative to whom subsection (1) applies are entitled to the like immunities from suit and legal process as are accorded to members of a family of an envoy or of a member of the official staff of an envoy, as the case may be.

Domestic
staff.

(3) Members of the domestic staff of the chief representative are entitled to the like immunities from suit and legal process as are accorded to members of the domestic staff of an envoy.

Saving
provision.

(4) Notwithstanding anything in this section, no person who is a member of the official staff or domestic staff of a chief representative of a country and who is a citizen of

Canada is entitled under this section to immunity from suit or legal process except in respect of acts done or omitted to be done in the course of the performance of his duties as a member of such staff, nor are the members of his family entitled as such under this section to any immunity from suit or legal process.

Other Officials.

6. The Governor in Council may by order confer upon any person in the service of the government of a country in respect of which this Act applies, who holds any office of a kind specified in the order that, in the opinion of the Governor in Council, involves the performance of duties substantially corresponding to those which, in the case of a foreign sovereign power, would be performed by a consular officer, the like immunities from suit and legal process and the like inviolability of official archives as are accorded to consular officers of foreign sovereign powers. Other officials.

GENERAL.

7. If in any action or proceeding a question arises as to whether any person is entitled to immunity from suit or legal process under the provisions of this Act or any order or declaration made thereunder, a certificate purporting to have been issued by or under the authority of the Secretary of State for External Affairs, containing any statement of fact relevant to that question, shall, in respect of such action or proceeding, be received in evidence as prima facie proof of the fact so stated. Evidence.

8. Notwithstanding anything in this Act, a chief representative may waive any immunity to which, under this Act or any order or declaration made thereunder, he or his staff or the members of his family or staff, or any person in the service of the government of the country which he represents, may be entitled. Waiver of immunity.

9. Nothing in this Act affects any action or proceeding commenced prior to the coming into force of this Act. Actions begun prior to coming into force of Act.

2 - 3 ELIZABETH II.

CHAP. 55.

An Act to provide for Allowances for Disabled Persons.

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Disabled Persons Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | Definitions. |
|---|----------------------------|
| (a) "agreement" means an agreement made under section 3; | "Agreement." |
| (b) "allowance" means a disabled persons allowance provided under provincial law to the persons and under the conditions specified in this Act and the regulations; | "Allowance." |
| (c) "application" means an application for an allowance; | "Applica-
tion." |
| (d) "Minister" means the Minister of National Health and Welfare; | "Minister." |
| (e) "provincial authority" means the officer or body charged with the administration of the provincial law; | "Provincial
authority." |
| (f) "provincial law" means a law of a province that provides for the payment of allowances to the persons and under the conditions specified in this Act and the regulations, and authorizes the province to enter into an agreement with the Government of Canada in accordance with this Act; | "Provincial
law." |
| (g) "province" includes the Northwest Territories and the Yukon Territory; | "Province." |
| (h) "recipient" means a person to whom an allowance has been granted and includes an applicant for an allowance; and | "Recipient." |

"Unmarried person."

- (i) "unmarried person" includes a widow, a widower, a divorced person and a married person who, in the opinion of the provincial authority, is living separate and apart from his spouse.

AGREEMENTS WITH PROVINCES.

Agreements with provinces.

3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of allowances paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, fifty per cent of forty dollars monthly or of the amount of the allowance paid by the province monthly to the recipient, whichever is the lesser.

Qualifications.

(2) Payments to a province pursuant to this section shall be made only in respect of a recipient who

- (a) at the date of the proposed commencement of allowance payments to him
 - (i) has attained the age of eighteen years, and
 - (ii) has resided in Canada for ten years immediately preceding that date, or if he has not so resided, has been present in Canada prior to those ten years for an aggregate period equal to twice the aggregate period of absences from Canada during those ten years;
- (b) is totally and permanently disabled as prescribed by the regulations;
- (c) is not in receipt of an allowance under the *Blind Persons Act* or assistance under the *Old Age Assistance Act* or an allowance under the *War Veterans Allowance Act*, or a pension under the *Old Age Security Act*;
- (d) is not in receipt of money or assistance from any province or municipality by way of mothers allowance;
- (e) is not a patient in a tuberculosis sanatorium, mental institution, home for the aged, infirmary or institution for the care of incurables;
- (f) is not a patient or resident in a hospital, nursing home, or private, charitable or public institution, except as prescribed in the regulations; and
- (g) is
 - (i) an unmarried person, and his income, inclusive of allowance, is not more than seven hundred and twenty dollars a year, or
 - (ii) married and living with his spouse, and the total income, inclusive of allowance, of the recipient and his spouse is not more than twelve hundred dollars a year, or

- (iii) married and living with his spouse who is blind within the meaning of the *Blind Persons Act*, and the total income, inclusive of allowance, of the recipient and his spouse is not more than thirteen hundred and twenty dollars a year.

4. An agreement with a province shall contain a covenant by the Government of Canada to pay to the province each month the amount that the Government of Canada is at that time authorized to pay to the province under this Act.

Amount of payments by Government of Canada.

5. (1) The allowance in respect of which the Government of Canada is authorized by this Act to make payments shall be payable monthly in arrears.

Allowance payable monthly in arrears.

(2) Where a province pays an allowance in respect of a recipient for the whole of the month in which the recipient dies, the Government of Canada shall make payments in respect thereof in accordance with section 3.

Where recipient dies.

6. Subject to the conditions specified in the regulations, a provincial authority is entitled, for the purpose of ascertaining the age of a recipient, to obtain from the Dominion Bureau of Statistics any information respecting the age of a recipient that is contained in the returns of any census taken more than thirty years before the date of the application for such information.

Census records.

7. In every agreement the province shall, subject to section 3,

Provisions of agreement.

- (a) specify the minimum age of a recipient and any other conditions of eligibility set forth in the provincial law;
- (b) specify the maximum allowance to be paid by it to a recipient;
- (c) provide for the reduction of such maximum allowance by the amount of any income received by a recipient in excess of an amount to be specified in such agreement; and
- (d) covenant and agree
 - (i) that the provincial authority will consider applications from persons resident in the province in the manner prescribed by regulation, and where satisfied that a recipient is properly and lawfully entitled to the allowance, under the conditions specified in this Act, the regulations and the agreement, grant the allowance to such recipient in the amount specified in the agreement;
 - (ii) that where a recipient, during the last ten hundred and ninety-five days that he was present in Canada prior to reaching the age of eighteen

years, or prior to making application for the allowance, whichever is the later, was present in the province for a greater number of days than in any other province, the province will reimburse any other province that is paying the allowance to the extent of fifty per cent of the amount of the allowance;

- (iii) that the province will, where a recipient who has been granted an allowance transfers his residence to such province from another province, pay the allowance;
- (iv) that where a recipient, to whom the province has granted an allowance, transfers his residence to another province with which no agreement is in force, the province will continue to pay the allowance to such recipient;
- (v) that where a recipient, who has been granted an allowance, transfers his residence to some place out of Canada, the province will discontinue payment of the allowance and not resume payment thereof until such recipient has again become resident in Canada;
- (vi) to make statutory provision for penalties to ensure the proper carrying out of the provincial law and to provide that no allowance shall be subject to alienation or transfer by a recipient or to attachment or seizure in satisfaction of any claim against him, and that the receipt of the allowance shall not by itself constitute a disqualification from voting at any provincial or municipal election;
- (vii) that the province will furnish, without charge to the provincial authority of any province, a certificate of the date of the birth of any recipient born within the province;
- (viii) to maintain proper and adequate records and accounts respecting the payment of allowances, and to permit of an examination, inspection and audit by the Government of Canada of all such payments and of the records and accounts with respect thereto;
- (ix) that where a recipient or his spouse has, within the five years preceding the date of application, made an assignment or transfer of property the consideration for which is, in the opinion of the provincial authority, inadequate, or where it appears to the provincial authority that any assignment or transfer of property made by a recipient or his spouse was made for the purpose of qualifying the recipient for an allowance, or for a

larger allowance than he otherwise would be entitled to receive, or to prevent recovery of any claim under the provincial law, the province will deem the property so assigned or transferred to be property of the recipient or his spouse owned at the date of the application as though the assignment or transfer had not been made;

(x) that where recovery of the amount of any allowance is made from a recipient or his estate, the province will furnish to the Government of Canada monthly a report thereof and pay to the Government of Canada an amount that bears the same ratio to the amount so recovered as the total amounts paid by the Government of Canada in respect of allowance payments made to such recipient bears to the total of such allowance payments; and

(xi) that the provincial authority will suspend payment of the allowance to any recipient who, in the opinion of the provincial authority, unreasonably neglects or refuses to comply with or to avail himself of training, rehabilitation or treatment measures or facilities provided by or available in the province.

8. All sums of money payable to a province in pursuance of an agreement shall be paid by the Minister of Finance on the certificate of the Minister out of the Consolidated Revenue Fund, and all such payments shall be made subject to the conditions specified in this Act and the regulations and subject to the observance of the covenants, agreements and undertakings contained in the agreement. Payments out of C.R.F.

9. (1) Subject to subsection (2), every agreement shall continue in force so long as the provincial law remains in operation or until the expiration of ten years from the day upon which notice of an intention to terminate the agreement is given by the Minister, with the approval of the Governor in Council, to the province with which the agreement was made. Duration of agreements.

(2) An agreement may be amended or terminated by mutual consent of the parties thereto with the approval of the Governor in Council. Amendment.

10. An agreement shall not come into operation until the Governor in Council has approved the scheme for the administration of allowances proposed to be adopted by the province, and no change in the scheme shall be made by the province without the approval of the Governor in Council. Coming into force of agreement.

REGULATIONS.

Regulations

11. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, without limiting the generality of the foregoing, may make regulations providing for

- (a) the definition of "totally and permanently disabled" for the purposes of this Act;
- (b) the information to be included in the scheme for the administration proposed to be adopted by the province;
- (c) the time, manner and form of making an application, the information and evidence to be submitted in connection therewith, and the procedure to be followed by the provincial authority in the consideration of applications;
- (d) the investigation into applications and into the eligibility of a recipient to receive an allowance, the reports to be made and the information to be supplied by or in respect of recipients;
- (e) the conditions under which information may be obtained from the Dominion Bureau of Statistics as provided in section 6;
- (f) the definition of residence in Canada for the purposes of this Act and the extent of intervals of absence from Canada that shall be deemed not to have interrupted the continuity of residence;
- (g) the definition of income for the purposes of this Act, and the manner in which income is to be determined, including the income of a recipient and his spouse, and the determination of the amount thereof that each shall be deemed to receive, whether they live together or separate and apart;
- (h) determining the amount that for the purposes of this Act shall be deemed income of a recipient from any interest in real or personal property of the recipient or his spouse owned or deemed to be owned at the date of making application or acquired subsequent thereto;
- (i) the time at which, after application therefor, the payment of the allowance shall commence;
- (j) the circumstances under which payment of the allowance may be made to a recipient who is a patient or resident in a hospital, nursing home, or private, charitable or public institution;
- (k) the circumstances under which payment of the allowance may be made to persons as trustees for the benefit of recipients;
- (l) the circumstances justifying or requiring the suspension of the payment of allowances and the resumption of payment; and

(m) the recovery of the amount of allowance payments to which a recipient was not entitled under this Act, the regulations and the agreement.

(2) No regulation, by reference to which an agreement with a province has been made, shall be altered except with the consent of the province or in accordance with the regulations to which it has agreed. Alteration
of regulations.

(3) There shall be an Advisory Board consisting of two representatives of the Government of Canada, appointed by the Governor in Council, and two representatives of each of the provinces with which agreements have been made, appointed by the Governor in Council on the recommendation of such provinces, to recommend such alterations to the regulations as may from time to time appear to be necessary or advisable. Advisory
Board.

REPORT.

12. The Minister shall, as soon as possible after the termination of each fiscal year, submit a report to Parliament respecting the operation for that year of the agreements made under this Act and the payments made to the provinces under each of the agreements. Report.

COMING INTO FORCE.

13. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming
into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 56.

An Act to amend the Excise Tax Act.

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S. cc. 100,
320;
1952-53, c. 35.

1. Section 2 of the *Excise Tax Act*, chapter 100 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsection:

“(2) For the purposes of this Act the expression “Her Majesty in right of a province” includes the governments of the Northwest Territories and the Yukon Territory, the expression “legislature of any province” includes the Council of the Northwest Territories and the Council of the Yukon Territory, and the expression “Lieutenant-Governor in Council” includes the Commissioner of the Northwest Territories and the Commissioner of the Yukon Territory.” Application
to Yukon and
North west
Territories.

2. Section 7 of the said Act is amended by adding thereto the following subsection: 1952-53, c. 35.

“(2) The return shall, in the case of a Canadian company, be signed by the president, vice-president, managing director or secretary; in the case of a company other than a Canadian company, by the chief agent of the company in Canada, or, in the case of a company not having a chief agent in Canada, in such manner as the Minister may prescribe.” How return
to be signed.

3. Section 22 of the said Act is amended by adding thereto the following subsection:

“(2) For the purpose of determining the excise tax payable under this Part Calculation
of sale price
and duty paid
value.

(a) in calculating the sale price of goods manufactured or produced in Canada there shall be included the amount charged as price for or in respect of

(i) the wrapper, package, box, bottle or other container in which the goods are contained, and

(ii) any other goods contained in or attached to such wrapper, package, box, bottle or other container; and

(b) in calculating the duty paid value of imported goods that, when imported, are wrapped, packaged, put up in boxes or bottles or otherwise prepared for sale, there shall be added to the value of the goods as determined in the manner prescribed in this Part the value, similarly determined, of the wrapper, package, box, bottle or other container in which the goods are contained, and such wrapper, package, box, bottle or other container shall be deemed to be subject to the same rate of duty as the goods contained therein."

1952-53, c. 35,
s. 21.

4. Subsection (5) of section 23 of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof and by repealing paragraph (c) thereof and substituting the following therefor:

"(c) in the case of articles enumerated in section 14 of Schedule I, be deemed to apply to any such goods that are wrapped, packaged, put up in boxes or otherwise prepared for sale, otherwise than in a retail store for the purpose of sale in such store; and

(d) in the case of any fluid for use in a device mentioned in section 4 of Schedule I, be deemed to apply to any such fluid when put into tins, bottles or otherwise prepared for sale."

Repeal.

5. Sections 24 and 25 of the said Act are repealed.

1952-53, c. 35
s. 22.

6. (1) Paragraph (e) of subsection (1) of section 29 of the said Act is amended by striking out the word "and" at the end of subparagraph (v) thereof and by repealing subparagraph (vi) thereof and substituting the following therefor:

"(vi) any person who wraps, packages, puts up in boxes or otherwise prepares for sale any article enumerated in section 14 of Schedule I, otherwise than in a retail store for the purpose of sale in such store, and

(vii) any person who puts into tins or bottles or otherwise prepares for sale any fluid for use in a device mentioned in section 4 of Schedule I; and"

(2) Section 29 of the said Act is further amended by adding thereto the following subsection:

Calculation
of sale price
and duty paid
value.

"(3) For the purpose of determining the consumption or sales tax payable under this Part

(a) in calculating the sale price of goods manufactured or produced in Canada there shall be included the amount charged as price for or in respect of

- (i) the wrapper, package, box, bottle or other container in which the goods are contained, and
 - (ii) any other goods contained in or attached to such wrapper, package, box, bottle or other container; and
- (b) in calculating the duty paid value of imported goods that, when imported, are wrapped, packaged, put up in boxes or bottles or otherwise prepared for sale, there shall be added to the value of the goods as determined in the manner prescribed in this Part the value, similarly determined, of the wrapper, package, box, bottle or other container in which the goods are contained, and such wrapper, package, box, bottle or other container shall be deemed to be subject to the same rate of duty as the goods contained therein."

7. Subsections (2) and (3) of section 32 of the said Act are repealed and the following substituted therefor:

"(2) There shall be imposed, levied and collected only fifty per cent of the tax imposed by section 30 on the sale and delivery of the articles enumerated in Schedule IV. Articles exempted for 50 per cent.

(3) The taxes imposed by Parts IV to VI inclusive, do not apply to goods imported under *Customs Tariff* items 703, 704 and 708." Further articles exempted.

8. Section 39 of the said Act, and the heading immediately preceding that section, are repealed and the following heading and section substituted therefor:

"Stamps.

"39. The Minister may direct the preparation and use of stamps for the purposes of this Act." Preparation and use of stamps.

9. The said Act is further amended by adding thereto, immediately before section 45 thereof, the following heading:

"Liability of the Crown."

10. Subsection (7) of section 46 of the said Act is repealed and the following substituted therefor:

"(7) A drawback of ninety-nine per cent of the taxes imposed by Parts IV, V and VI and paid on or in respect of goods Drawback.

(a) exported,

(b) supplied as ships' stores,

(c) used for the equipment, repair or reconstruction of ships or aircraft, or

(d) delivered to telegraph cable ships proceeding on an ocean voyage for use in the laying or repairing of oceanic telegraph cables outside Canadian territorial waters,

may be granted under regulations of the Governor in Council; but payment of a specific sum in lieu of such drawback may be authorized by the Governor in Council in cases where specific rates of drawback of customs duties are granted under section 275 of the *Customs Act*."

11. (1) Section 50 of the said Act is amended by adding thereto, immediately after subsection (8) thereof, the following subsection:

Recovery out
of money
owing by
Crown

"(8a) Where a person is indebted to Her Majesty under this Act the Minister may require the retention by way of deduction or set-off of such amount as the Minister may specify out of any amount that may be or become payable to such person by Her Majesty."

(2) Section 50 of the said Act is further amended by adding thereto the following subsection:

Recovery of
pecuniary
penalties.

"(13) Where a corporation has been convicted of an offence under this Act and a pecuniary penalty has been imposed by the conviction, the amount of the penalty may, by filing the conviction or a certified copy thereof in the Exchequer Court of Canada, be entered as a judgment of that court, and that judgment is enforceable against the accused in the same manner as if it were a judgment rendered against the accused in that court in civil proceedings."

Repeal

12. Section 52 of the said Act is repealed.

13. Section 62 of the said Act is repealed and the following substituted therefor:

Time limited
for
prosecution.

"**62.** An information or complaint under the provisions of the *Criminal Code* relating to summary convictions, in respect of an offence under this Act may be laid or made on or before a day three years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, came to his knowledge, and the Minister's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof."

14. Schedules I, II and III to the said Act are repealed and Schedules I, II and III to this Act are respectively substituted therefor.

Coming
into force.

15. Sections 1, 3, 4, 5, 6, 7, 10 and 14 of this Act and the Schedules to this Act shall be deemed to have come into force on the 7th day of April, 1954, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day.

SCHEDULE I.

1. Automobiles adapted or adaptable for passenger use, with seating capacity for not more than ten persons each...fifteen per cent; the tax on automobiles applies on the total price charged for such automobiles, which price shall include all charges for accessories, optional equipment, or any other charges contracted for at the time of sale, whether charged for separately or not; the tax does not apply to automobiles imported under *Customs Tariff* items 702, 705a, 706 and 707.
2. Articles, materials or preparations of whatever composition or in whatever form, commonly or commercially known as toilet articles, preparations or cosmetics, which are intended for use or application for toilet purposes, or for use in connection with the care of the human body, including the hair, nails, eyes, teeth, or any other part or parts thereof, whether for cleansing, deodorizing, beautifying, preserving or restoring, and including shaving soaps and shaving creams, antiseptics, bleaches, depilatories, perfumes, scents and similar preparationsten per cent.
3. Motor cycles and all other two- or three-wheeled motor driven vehicles including motors for attachment to bicycles but not including vehicles specially designed for carrying goods or for use by invalidsten per cent.
4. Devices, commonly or commercially known as lighters, which produce sparks, flame or heat whether or not in combination with other articles on the separate or combined value, as the case may be.....ten per cent.
5. Coin, disc or token operated games or amusement devices of all kinds.....ten per cent.
6. (a) Phonographs, record playing devices, radio broadcasting receiving sets or any combination of the foregoing and tubes therefor; any apparatus or device that enables a person to hear programmes of music distributed by any means whatever or radio broadcasting programmes distributed by any means whatever; but this paragraph does not include any article coming within paragraph (b) of this section. .fifteen per cent.
- (b) Television receiving sets and tubes therefor; any apparatus or device that enables a person to see, or to see and hear, television programmes distributed by any means whatever or television radio broadcasting programmes distributed by any means whatever.....fifteen percent.
7. Ash trays; tobacco pipes; cigar and cigarette holders; cigarette rolling devices and other smokers' accessories, not including lighters, matches or tobacco.....ten per cent.

8. Fountain pens; ball-point pens; ink pencils; propelling pencils; desk sets and all other desk accessories.....ten per cent.

9. Cigars.....fifteen per cent.

10. Matches.....ten per cent.

11. Tires and Tubes:—

(a) Tires in whole or in part of rubber for self-propelled machines or automotive vehicles of all kinds, including trailers or other wheeled attachments used in connection with any of the said machines or vehicles.....ten per cent;

(b) Inner tubes for use in any such tires.....ten per cent;
the tax on the articles enumerated in paragraphs (a) and (b) of this section does not apply to the goods mentioned therein

(i) when used exclusively for the original equipment of such self-propelled machines, automotive vehicles, trailers or other wheeled attachments,

(ii) when used exclusively for replacement purposes on machinery designed for and used only for farm purposes, or

(iii) when designed and catalogued for farm machinery and used on farm trailers used exclusively for farm purposes.

12. (a) Clocks and watches adapted to household or personal use, except railway men's watches, and those specially designed for the use of the blind, and alarm clocks where the sale price by the Canadian manufacturer or the duty paid value of those imported does not exceed ten dollars.....ten per cent;

(b) Articles of all kinds made in whole or in part of ivory, jet, amber, coral, mother of pearl, natural shells, tortoise shell, jade, onyx, lapis lazuli, or other semi-precious stones.....ten per cent;
the tax on the articles enumerated in paragraphs (a) and (b) of this section does not apply to the goods mentioned therein where the sale price by the Canadian manufacturer, or the duty paid value of the goods imported, does not exceed one dollar;

(c) The following articles, namely:

(i) articles commonly or commercially known as jewellery, whether real or imitation, including diamonds and other precious or semi-precious stones for personal use or for adornment of the person; goldsmiths' and silversmiths' products except plated table knives, forks and spoons; pewter ware;

(ii) articles of cut glassware, crystal glassware, cut or not, etched glassware, or metal decorated glassware;

(iii) articles of china, porcelain, earthenware, marble, stoneware, or other pottery ware, except articles for use in the preparation or serving of food or drink, or except where they are sold or imported for use exclusively in the manufacture of electric lamps.....ten per cent;

the tax on the articles enumerated in this paragraph (c) does not apply to the goods mentioned therein where the sale price by the Canadian manufacturer, or the duty paid value of the goods imported, does not exceed fifty cents.

13. Carbonated beverages, aerated waters, unfermented fruit juice beverages (not including beverages at least ninety-five per cent of which consists of pure juice of the fruit) and imitations thereof and all other compounded or mixed soft drinks and all mixtures or products advertised or sold for making soft drink beverages or imitations thereof, whether sold in liquid, concentrated or in dry form except where the mixture or product is advertised or sold for making soft drink beverages or imitations thereof for sale.....ten per cent.

14. Candy, chocolate, chewing gum and confectionery that may be classed as candy or a substitute for candy.....ten per cent.

SCHEDULE II.

1. Carbonic acid gas and similar preparations to be used for aerating non-alcoholic beverages.....fifteen cents per pound.

2. Cigarettes, manufactured tobacco and Canadian raw leaf tobacco:

- (a) For each five cigarettes or fraction of five cigarettes contained in any package.....two cents;
- (b) Manufactured tobacco, including snuff, but not including cigars and cigarettes.....eighty cents per pound;
- (c) Canadian raw leaf tobacco when sold for consumption in Canada.....eight cents per pound.

SCHEDULE III.

FOODSTUFFS

Barley; Bread; Butter; Cheese; Cream; Eggs, Egg Albumen and Egg yolks; Glucose; Honey, Ice; Lactose; Lard; Rice; Salt; Shortening; Soups; Split Peas; Sugar; Yeast; Yogurt;

Bakers' cakes and pies including biscuits, cookies or other similar articles;

Cereal breakfast foods not including beverages;

Cooking oil and salad oils, not including mayonnaise or salad dressing;

Drinks prepared from milk or eggs;

Fish and edible products thereof;

Flour including pastry, cake, biscuit, and similar mixes;

Foods prepared and sold exclusively for feeding infants;

Fruit, fresh, canned, frozen, preserved, dried or evaporated;

Grain grits and meals;

Ice cream;

Jams, jellies, marmalades, and preserves;

Malt syrup, except when sold for beverage purposes;

Maple syrup; corn syrup; table syrups; molasses;

Meats and poultry, fresh, cooked, canned, frozen, smoked or dried;
Milk, including buttermilk, condensed milk, evaporated milk, and powdered milk;

Peanut butter;

Prepared whipping cream;

Spaghetti, macaroni and vermicelli;

Vegetables, fresh, canned, frozen or dehydrated, not including pickles, relishes, catsup, sauces, olives, horseradish, mustard, and similar goods;

Vegetable juices; fruit juices which consist of at least ninety-five per cent of pure juice of the fruit;

Materials to be used exclusively in the manufacture or production of the aforementioned foodstuffs;

FARM AND FOREST

Bees; Casein; Fertilizer; Hay; Hops; Shorts; Straw;

Alfalfa meal;

Animals, living;

Baling twine or baling wire for baling farm produce, and articles and materials to be used or consumed exclusively in process of manufacture thereof;

Beet pulp, dried;

Drain tiles for agricultural purposes;

Farm produce sold by the individual farmer of his own production, not including flowers, flowering plants or bulbs, when the sales thereof exceed five hundred dollars per annum;

Feeds for fur-bearing animals whose pelts have commercial value;

Forest products when produced and sold by the individual settler or farmer;

Friction disc sharpeners;

Furs, raw;

Gopher poison, and materials for use exclusively in its manufacture;

Grain or seed cleaning machines and complete parts therefor;

Grains and seeds in their natural state;

Harness for horses and complete parts therefor, and articles and materials to be used exclusively in the manufacture thereof; harness leather;

Hides, raw and salted;

Logs and round unmanufactured timber;

Milk albumen, when for use exclusively in the production of animal or poultry feeds,

Nursery stock,

Oil cake, oil cake meal;

Peat moss when used for agricultural purposes, including poultry litter;

Poultry, cattle and other stock feeds;

Poultry, living;

Preparations or chemicals sold for disinfecting, dipping or spraying and so used in agriculture or horticulture, and materials for use exclusively in the manufacture of such preparations:

Sap spouts and sap buckets, evaporators and complete parts therefor, when for use exclusively for the production of maple syrup;
Sawdust and wood shavings;
Settlers' effects;
Steel pens and complete parts thereof for farm animals, and articles and materials for use exclusively in the manufacture thereof;
Vegetable plants;
Wool not further prepared than washed;
Woollen rolls or wool yarn milled for a producer of wool from wool supplied by him for his own use;

ENGINES

Internal combustion traction engines, and portable engines with boilers in combination, for farm purposes, or for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump or common or other carrier, and accessories (not including machines and tools for operation by such engines) and complete parts of all the foregoing, and articles and materials, not including plant equipment, to be used or consumed exclusively in the manufacture of the foregoing engines, boilers or parts thereof;

MINES AND QUARRIES

Crushed stone or crushed gravel;
Gold and silver in ingots, blocks, bars, drops, sheets or plates unmanufactured;
Ores of all kinds;
Sand, gravel, rubble, and field stone;

MARINE AND FISHERIES

Boats *bona fide* purchased by fishermen for use in the fisheries, and articles and materials to be used exclusively in the manufacture, equipment or repair of such boats;

Carrageen or Irish Moss;

Cotton duck and cotton sail twine to be used only in the manufacture of equipment for ships or vessels;

Rope and cordage of cotton, hemp, manila or other vegetable fibre, or nylon, for the fisheries, not including these articles for sportsmen's purposes, and materials for use only in the manufacture thereof;

Preservatives for use exclusively for treating fishing nets, ropes and lines;

Materials for use only in the construction, equipment and repair of ships;

Materials used as ingredients in canned fish;

Ships licensed to engage in the Canadian coasting trade;

Sinkers, and floats including trawl kegs, when for use exclusively in the fisheries, not including these articles for sportsmen's purposes;

CHARITABLE, HEALTH, ETC.

Adrenocorticotrophin (ACTH); Cortisone; Insulin; Radium;

Articles and materials for the sole use of any *bona fide* public hospital certified to be such by the Department of National Health and Welfare, when purchased in good faith for use exclusively by the said hospital and not for resale;

Artificial eyes;

Donations of clothing and books for charitable purposes;

Hearing aids and parts therefor, including batteries specifically designed for use with such hearing aids;

Liver extract for use exclusively in the treatment of anaemia;

Memorials or monuments erected in memory of members of the Armed Forces who lost their lives in the service of their country;

War Veterans' badges;

PRINTING AND EDUCATIONAL

Bibles, missals, prayer books, psalm and hymn books, religious tracts, Sunday School lesson pictures, books, bound and unbound, pamphlets, booklets, leaflets, scripture, prayer, hymn and mass cards and religious mottoes and pictures unframed, for the promotion of religion, and materials to be used exclusively in the manufacture thereof, but not including calendars, parish reports, forms, stationery or programmes;

Books, printed and bound, that contain no advertising and are solely for educational, technical, cultural or literary purposes, and materials to be used exclusively in the manufacture thereof, but not including directories, price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums, books for writing or drawing upon, or any books similar to the foregoing exclusions;

College and school annuals; newspapers; sheet music; magazines and literary papers unbound, regularly issued at stated intervals, not less frequently than four times yearly; and materials to be used exclusively in the manufacture thereof;

The Minister shall be the sole judge as to whether any printed material comes within any of the classes enumerated in any of the three foregoing paragraphs of this heading;

Manuscript;

Phonograph records authorized by the Department of Education of any province in Canada for instruction in the English and the French language, and materials to be used exclusively in the manufacture thereof;

Photographs, paintings, pastels, drawing and other art work and illustrations of all kinds, whether originals, copies or proofs, and printing plates made to reproduce the same, for use exclusively as non-advertising news pictures or for illustrating non-advertising articles or stories in periodical publications enjoying second-class mailing privileges, the pages of which are regularly bound, wire stitched or otherwise fastened together;

DIPLOMATIC

Articles for the use of the Governor General;

Articles imported for the personal or official use of the Heads of Diplomatic Missions, High Commissioners representing other of Her Majesty's Governments, Counsellors, Secretaries and Attaches at Embassies, Legations, and offices of High Commissioners in Canada, Trade Commissioners, representing other of Her Majesty's Governments, Consuls General of Foreign Nations who are natives or citizens of the countries they represent and who are not engaged in any other business or profession; automobiles, cigars, cigarettes, manufactured tobacco, ale, beer, stout, wines, spirits, purchased in Canada by any of the foregoing;

CERTAIN BUILDING MATERIALS

Bricks; building tile, building blocks and building stone;

Plaster; lime; cement;

Lumber; sash; doors; shingles; lath; siding; stairways;

Plaster boards, fibreboard, wall panels, building paper and materials, other than wallpaper, manufactured wholly or in part of vegetable or mineral substances for walls, wall coverings or building insulation;

Paints, varnishes, white lead and paint oil;

Prepared roofings;

Shower baths, bath tubs, basins, faucets, closets, lavatories, sinks and laundry tubs, not including repair parts therefor, nor pipes and pipe fittings;

Cast iron soil pipe and cast iron fittings therefor;

Glass for buildings;

Furnaces, stokers, oil or gas burners, hot water and steam radiators not including fittings, for the heating of buildings;

Locks and lock sets;

Structural steel to be used exclusively for the framework and support of buildings;

Articles and materials to be used exclusively in the manufacture or production of the aforementioned building materials;

COVERINGS

Usual coverings to be used exclusively for covering goods not subject to the consumption or sales tax and materials to be used exclusively in the manufacture of such coverings;

FIRE BRICK, REFRACTORIES, ETC.

Fire brick, plastic refractories, high temperature cement, fire clay and other refractory materials for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establishment, and materials to be used or consumed exclusively in the manufacture of such fire brick or refractory materials;

PROCESSING MATERIALS

Materials (not including grease or lubricating oils) consumed or expended directly in the process of manufacture or production of goods;

MACHINERY AND APPARATUS TO BE USED IN MANUFACTURE OR PRODUCTION

Machinery and apparatus (including coal crushers and stokers) and complete parts thereof which, in the opinion of the Minister are to be used directly in the process of manufacture or production of goods; this exemption does not apply to office equipment or motor vehicles, except diesel powered self-propelled trucks, mounted on rubber tired wheels, for off-highway use exclusively at mines or quarries, and complete parts thereof;

MISCELLANEOUS

Articles and materials purchased or imported by a government of a country designated by the Governor in Council under Customs Tariff item 708, or purchased or imported by a Canadian government agency on behalf of such a government, for the construction, maintenance or operation of military or defence establishments in Canada and not intended for resale, gift or other disposition except as may be authorized by the Minister of National Revenue;

British and Canadian coins and foreign gold coin;

Drain tile not exceeding four inches in inside diameter and twelve inches in length;

Electricity;

Equipment sold to or imported by municipalities for their own use and not for resale, at a price in excess of one thousand dollars per unit, specially designed for use directly for road making, road cleaning or fire fighting, but not including automobiles or ordinary motor trucks;

Fuel for lighting or heating, but not including fuel when for use in internal combustion engines; crude oil to be used in the production of fuel;

Natural gas and gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes;

Tires and tubes for use exclusively on the machinery enumerated in Customs Tariff item 411a;

GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS

173, 209b, 352a, 364, 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, and complete parts thereof, 409j, 409k, 409q, 411a, 436, 437, 439c, 440k, 460, 476, 476a, 476b, 478, 480, 480a, 663b, 666, 667, 682, 692, 692b, 693(i), 695a, 695b, 696, 696a, 697, 698, 699, 700, 701, 702, 703, 704, 708, 786, 848;

Articles and materials which enter into the cost of manufacture of the goods enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409k, 409o and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in the aforesaid tariff items, under regulations prescribed by the Minister;

Articles and materials to be used exclusively in the manufacture of goods enumerated in Customs Tariff items 173, 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409q, 410b, 411, 411a, 411b, 439c, 440k, 476, 476a, 480, 480a, 663, 663a, 663b, 666, 667, 696, 848;

Materials not to include plant equipment consumed in process of manufacture or production, which enter directly into the cost of goods enumerated in Customs Tariff items 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409q, 410b, 411, 411a, 411b, 439c, 440k, 476, 476a, 480, 480a, 663, 663a, 666, 667, 696.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA. 1954

2 - 3 ELIZABETH II.

CHAP. 57.

An Act to amend the Income Tax Act.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 148,
1952-53, c. 40

1. (1) Section 6 of the *Income Tax Act*, chapter 148 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after paragraph (e) thereof, the following paragraph:

“(e) such part of an amount payable to the taxpayer under a policy of insurance in respect of damage to property that is depreciable property of the taxpayer within the meaning of section 20 as has been expended by the taxpayer Insurance
proceeds
expended.

(i) within the year, and

(ii) within a reasonable time after the damage, on repairing the damage;”

(2) This section is applicable to the 1954 and subsequent taxation years. Application.

2. (1) Subparagraph (i) of paragraph (c) of subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

“(i) borrowed money used for the purpose of earning income from a business or property (other than borrowed money used to acquire property the income from which would be exempt), or” Borrowed
money.

(2) Subsection (1) of the said section 11 is further amended by adding thereto, immediately after paragraph (c) thereof, the following paragraph:

“(ca) an amount paid in the year pursuant to a legal obligation to pay interest on an amount that would be deductible under paragraph (c) if it were paid in the year or payable in respect of the year;” Compound
interest.

(3) Subparagraph (i) of paragraph (d) of subsection (1) of the said section 11 is repealed and the following substituted therefor:

“(i) repaying borrowed money used for the purpose of earning income from a business or property (other than borrowed money used to acquire property the income from which would be exempt), or”

(4) Paragraph (g) of subsection (1) of the said section 11 is repealed and the following substituted therefor:

Employer's
contribution
to pension
funds.

“(g) an amount not exceeding \$1500 paid by the taxpayer in the year or within 60 days from the end of the year to or under an approved superannuation fund or plan in respect of services rendered by each employee, officer or director of the taxpayer in the year plus such amount as may be deducted as a special contribution under section 76;”

(5) Subparagraphs (i) and (ii) of paragraph (i) of subsection (1) of the said section 11 are repealed and the following substituted therefor:

“(i) not exceeding in the aggregate \$1500 in the year, if retained by his employer from his remuneration for or under the fund or plan in respect of services rendered in the year or paid into or under the fund or plan by the taxpayer as part of his dues for the year as a member of a trade union, and

(ii) not exceeding in the aggregate \$1500 paid in the year into or under the fund or plan by the taxpayer in respect of services rendered by him previous to the year while he was not a contributor;”

(6) The said section 11 is further amended by adding thereto, immediately after subsection (3) thereof, the following subsections:

Borrowed
money.

“(3a) For the purposes of paragraph (c) of subsection (1), where a person has borrowed money in consideration of a promise by him to pay a larger amount and to pay interest on the larger amount,

(a) the larger amount shall be deemed to be the amount borrowed, and

(b) where the amount actually borrowed has been used in whole or in part for the purpose of earning income from a business or property, the proportion of the larger amount that the amount actually so used is of the amount actually borrowed shall be deemed to be the amount so used.

Idem.

(3b) For greater certainty it is hereby declared that, where a taxpayer has used borrowed money to repay money borrowed previously, the borrowed money shall, for the purpose of paragraph (c) or (d) of subsection (1), be deemed to have been used for the purpose for which the money bor-

rowed previously was used or was deemed by this subsection to have been used.

(3c) For the purpose of determining whether a teacher Teachers. may deduct amounts contributed by him to or under an approved superannuation fund or plan in computing his income for a taxation year during which he was employed by Her Majesty or a person whose taxable income for the year is exempt by virtue of section 62, subparagraph (ii) of paragraph (i) of subsection (1) shall be read as though the words "while he was not a contributor" at the end thereof were deleted."

(7) Subsection (8) of the said section 11 is repealed and the following substituted therefor:

"(8) Where an amount has been contributed by a tax- Employer's contribution to pension funds for arrears. payer to or under an approved superannuation fund or plan during the 1946 or a subsequent taxation year in respect of services rendered by him before he became a contributor, it may be included in computing a deduction under subparagraph (ii) of paragraph (i) of subsection (1) for a taxation year subsequent to the year during which it was contributed to the extent that it exceeds the aggregate of amounts deductible in respect thereof under this subsection or the said subparagraph (ii) in computing incomes for years preceding the taxation year."

(8) Paragraph (c) of subsection (9) of the said section 11 is repealed and the following substituted therefor:

"(c) was not in receipt of an allowance for travelling expenses that was, by virtue of subparagraph (v), (vi) or (vii) of paragraph (b) of section 5, not included in computing his income and did not claim any deduction for the year under subsection (5), (6) or (7),"

(9) The said section 11 is further amended by adding thereto, immediately after subsection (9) thereof, the following subsection:

"(9a) An amount expended in respect of a meal consumed Meals. by an officer or employee shall not be included in computing the amount of a deduction under subsection (6) or (9) unless the meal was consumed during a period while he was required by his duties to be away, for a period of not less than twelve hours, from the municipality where the employer's establishment to which he ordinarily reported for work was located and away from the metropolitan area, if there is one, where it was located."

(10) The said section 11 is further amended by adding thereto, immediately after subsection (11) thereof, the following subsection:

"(11a) Any deduction made under subsection (11) of this Idem. section or subsection (11) of section 11 of *The 1948 Income Tax Act* shall be deemed, for the purposes of section 20, to

have been made under regulations made under paragraph (a) of subsection (1)."

(11) Subsections (1) to (5) and (7) to (10) of this section and subsections (3a) and (3c) of section 11 of the said Act as enacted by subsection (6) of this section are applicable to the 1954 and subsequent taxation years.

3. (1) Subsection (7) of section 17 of the said Act is repealed and the following substituted therefor:

Idem.

"(7) Where depreciable property of a taxpayer as defined for the purpose of section 20 has been disposed of under such circumstances that subsection (4) of section 20 is applicable to determine, for the purpose of paragraph (a) of subsection (1) of section 11, the capital cost of the property to the person by whom the property was acquired, subsections (2), (5) and (6) are not applicable in respect of the disposition."

(2) This section shall be deemed to have come into force on the day on which the Revised Statutes of Canada, 1952, came into force.

4. (1) All that portion of subsection (1) of section 18 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

*Lease-option,
hire-purchase,
etc.*

"**18.** (1) A lease-option agreement, a hire-purchase agreement or other contract or arrangement for the leasing or hiring of property, except immovable property used in carrying on the business of farming, by which it is agreed that the property may, on the satisfaction of a condition, vest in the lessee or other person to whom the property is leased or hired or in a person with whom the lessee or such other person does not deal at arm's length shall, for the purpose of computing the income of the lessee or other person to whom the property has been leased or hired, be deemed to be an agreement for the sale of the property to him and rent or other consideration paid or given thereunder shall be deemed to be on account of the price of the property and not for its use; and the lessee or other person to whom the property has been leased or hired shall, for the purpose of a deduction under paragraph (a) of subsection (1) of section 11, be deemed to have acquired the property at a capital cost equal to the price fixed by the contract or arrangement minus the aggregate of all amounts paid by him"

(2) The said section 18 is further amended by adding thereto the following subsection:

*Option
exercised by
person with
whom lessee
not at arm's
length.*

"(3) Where a lease-option agreement, a hire-purchase agreement or other contract or arrangement for the leasing or hiring of property, except immovable property used in carrying on the business of farming, by which it was agreed

that the property might, on the satisfaction of a condition, vest in a person with whom the lessee or other person to whom the property was leased or hired (hereinafter referred to as the "lessee") was not dealing at arm's length, has been entered into and, upon satisfaction of the condition, the property has, at a subsequent time, vested in that person (hereinafter referred to as the "new owner"), the following rules are applicable:

- (a) for the purpose of paragraph (a) of subsection (1) of section 11, the lessee shall be deemed to have, at the subsequent time, disposed of the property for an amount equal to its undepreciated capital cost to him (as defined by section 20) at that time;
- (b) the capital cost of the property to the new owner shall be deemed to be an amount equal to the capital cost thereof to the lessee as determined under subsection (1); and
- (c) an amount equal to the capital cost of the property to the new owner as determined under paragraph (b) minus the amount for which the lessee is deemed by paragraph (a) to have disposed of the property shall be deemed to have been allowed to the new owner in respect of property of the prescribed class to which the property belongs under regulations made under paragraph (a) of subsection (1) of section 11, in computing incomes for the taxation years before the acquisition of the property by the new owner."

(3) This section is applicable to the 1954 and subsequent taxation years in respect of an agreement, contract or arrangement entered into on or after May 31, 1954.

5. (1) Paragraphs (f) and (g) of subsection (6) of section 20 of the said Act are repealed and the following substituted therefor: Depreciation.

"(f) where, at any time after a taxpayer has acquired property, there has been a change in the relation between the use regularly made by him of the property for gaining or producing income and the use regularly made of the property for other purposes,

- (i) if the use regularly made by him of the property for the purpose of gaining or producing income has increased, he shall be deemed to have acquired at that time depreciable property of that class at a capital cost equal to the proportion of the fair market value of the property as of that time that the amount of the increase in the use regularly made by him of the property for that purpose is of the whole use regularly made of the property, and

- (ii) if the use regularly made of the property for the purpose of gaining or producing income has decreased, he shall be deemed to have disposed at that time of depreciable property of that class and the proceeds of disposition shall be deemed to be an amount equal to the proportion of the fair market value of the property as of that time that the amount of the decrease in the use regularly made by him of the property for that purpose is of the whole use regularly made of the property;
- (g) where an amount can reasonably be regarded as being in part the consideration for disposition of depreciable property of a taxpayer of a prescribed class and as being in part consideration for something else, the part of the amount that can reasonably be regarded as being the consideration for such disposition shall be deemed to be the proceeds of disposition of depreciable property of that class irrespective of the form or legal effect of the contract or agreement; and the person to whom the depreciable property was disposed of shall be deemed to have acquired the property at a capital cost to him equal to the same part of that amount; and"

(2) This section is applicable to the 1954 and subsequent taxation years.

Medical
expenses

6. (1) Subparagraph (vi) of paragraph (c) of subsection (1) of section 27 of the said Act is repealed and the following substituted therefor:

"(vi) for or in respect of an artificial limb, an iron lung, a spinal brace, a brace for a limb, an aid to hearing or a wheelchair for the taxpayer, his spouse or any such dependant, or"

(2) This section is applicable to the 1954 and subsequent taxation years.

7. (1) Subsection (4) of section 28 of the said Act is repealed and the following substituted therefor:

"Control
period."

"(4) In this section, "control period" means the period from the commencement of the payer corporation's taxation year in which the control was acquired to the end of the taxation year in which the dividend was paid."

(2) Paragraph (a) of subsection (5) of the said section 28 is repealed and the following substituted therefor:

"(a) the aggregate of its incomes for the taxation years in the control period,"

(3) Subparagraph (i) of paragraph (b) of subsection (5) of the said section 28 is repealed and the following substituted therefor:

"(i) its taxes under this Part for the taxation years in the control period,"

(4) This section is applicable to the 1953 and subsequent taxation years.

8. (1) Section 37 of the said Act is amended by adding thereto the following subsections:

"(2) Where there would otherwise be included in computing the income of an individual for a taxation year under this Part Where income from business or partnership and employment

(a) income from

(i) a business of which he was the proprietor at a time when he did not carry on and was not a partner in any other business and was not an employee, or

(ii) a partnership of which he was a member at a time when he was not a member of any other partnership, did not carry on any business of which he was the sole proprietor and was not an employee,

for each of one or more fiscal periods ending in the year, and

(b) income from an employment that was received after ceasing to carry on the business or withdrawing from the partnership,

and the aggregate of the number of days in the fiscal periods and the number of days in the taxation year during which he was so employed after ceasing to carry on the business or to be a member of the partnership is greater than the number of days in the taxation year, the following rules are, if the taxpayer so elects, applicable:

(c) the taxpayer's income from the business or partnership and the employment for the taxation year shall be deemed for the purpose of this Part to be the proportion of the aggregate of the incomes therefrom that the number of days in the taxation year is of the aggregate of the number of days in the fiscal period or periods plus the number of days in the taxation year during which he was so employed after ceasing to carry on the business or to be a member of the partnership; and

(d) the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount by which the aggregate of the incomes from the business or partnership and the employment for the taxation year exceeds his income from the business or partnership and the employment for the year determined under paragraph (c) equal to the proportion thereof that the tax payable under this Part for the year (other than the tax payable under this paragraph) is of his taxable income for the year when the amount included as income from the business or partnership and the employment is the amount determined under paragraph (c);

but when a taxpayer elects to have those rules applicable for a taxation year, no amount is deductible under paragraph (e) of subsection (1) of section 27 in respect of the same business in computing his taxable income for the year.

Saving
provision.

(3) Subsection (1) does not apply in a case to which the rules mentioned in subsection (2) are applicable."

(2) This section is applicable to the 1954 and subsequent taxation years.

9. (1) Subsections (2) to (4) of section 39 of the said Act are amended by substituting the words "associated with" for the words "related to" wherever the latter words appear therein.

Corporation.

(2) Subsection (5) of the said section 39 is repealed and the following substituted therefor:

Idem.

"(5) When two corporations are associated, or are deemed by this subsection to be associated, with the same corporation at the same time, they shall, for the purpose of this section, be deemed to be associated with each other.

Idem.

(6) For the purposes of this section, one corporation is associated with another in a taxation year if, at any time in the year, one of them and one or more corporations with which that one is, for the purpose of this section, associated or deemed to be associated, owned in the aggregate directly or indirectly 70% or more of all the issued common shares of the capital stock of the other."

(3) This section is applicable to the 1954 and subsequent taxation years.

Farmers and
fishermen.

10. (1) Paragraph (b) of subsection (1) of section 42 of the said Act is repealed and the following substituted therefor:

"(b) determine the amount (in this section referred to as the "average gross income") equal to one-fifth of the amount by which

(i) the aggregate of the amounts determined under paragraph (a) for the years in the averaging period, exceeds

(ii) the aggregate of the amounts that would be deductible in respect of the losses sustained in the taxation years in the averaging period in computing the taxable income for the year immediately following the year of averaging if the taxpayer's income from the same business for that year were the aggregate of the amounts determined under paragraph (a) for the years in the averaging period;"

(2) The said section 42 is further amended by adding thereto the following subsections:

“(6) For the purposes of subsection (1),

(a) rents dependent on the lessee's gross production in the course of farming or fishing, and

(b) income from a trust or estate to the extent that it can reasonably be regarded as having been derived from farming or fishing,

shall be deemed to be income from farming or fishing.

(7) Any amount in respect of a loss deducted in making a calculation under paragraph (a) of subsection (1) shall, for the purpose of paragraph (e) of subsection (1) of section 27, be deemed to have been deducted in respect of that loss under this Act; and any amount in respect of a loss included in computing an aggregate for the purpose of subparagraph (ii) of paragraph (b) of subsection (1) shall, for the purpose of paragraph (e) of subsection (1) of section 27, be deemed to have been deductible in respect of that loss under this Act.”

(3) This section is applicable to the 1954 and subsequent taxation years.

11. (1) All that portion of paragraph (a) of subsection (1) of section 50 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

“(a) on or before the last day of each of the first 9 months in that period, an amount equal to one-twelfth of the tax as estimated by it at the rate for the taxation year”.

(2) Paragraph (b) of subsection (1) of the said section 50 is repealed and the following substituted therefor:

“(b) on or before the last day of each of the next 2 months in the period, an amount equal to one-third of the remainder of the tax payable as estimated by it on its taxable income for the year at the rate for the year, and”.

(3) This section is applicable to the 1954 and subsequent taxation years.

12. (1) Section 54 of the said Act is amended by adding thereto the following subsection:

“(8) Where a taxpayer is entitled to deduct under section 27 in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as “the loss year”), for the purpose of computing interest under subsection (1) or (2) on tax or a part or instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 in respect of that loss.”

Rents or trust
income from
farming or
fishing.

Losses.

Corporations.

Effect of
carry back of
loss.

(2) This section is applicable to the 1954 and subsequent taxation years.

13. (1) Section 57 of the said Act is amended by adding thereto the following subsection:

Effect of
carry back of
loss.

“(5) Where a taxpayer is entitled to deduct under section 27 in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as “the loss year”), and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection (3) for any portion of a period ending on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 in respect of that loss.”

(2) This section is applicable to the 1954 and subsequent taxation years.

14. (1) Subsection (1) of section 62 of the said Act is amended by deleting the word “or” at the end of paragraph (q) thereof, by inserting the word “or” at the end of the paragraph (r) thereof and by adding thereto the following paragraph:

Farmers' and
fishermen's
insurers.

“(s) an insurer, who was engaged during the period in no business other than insurance, if, in the opinion of the Minister on the advice of the Superintendent of Insurance, 50% of its gross premium income for the period was in respect of the insurance of farm property, property used in fishing or residences of farmers or fishermen.”

(2) This section is applicable to the 1954 and subsequent taxation years.

15. (1) The said Act is further amended by adding thereto, immediately after section 68 thereof, the following heading and section:

“Mutual Insurance Corporations.

Mutual
insurance
corporations

“68A. It is hereby declared that an insurance corporation other than a life insurance corporation, whether or not it is a mutual corporation, that has, in a taxation year, entered into insurance contracts or other arrangements or relationships whereby it can reasonably be regarded as undertaking to insure other persons, whether or not such persons are members or shareholders of the corporation, against loss, damage or expense of any kind, shall, regardless of the

form or legal effect of those contracts, arrangements or relationships, be deemed, for the purposes of this Act, to have been carrying on an insurance business in the year for profit, and, in any such case, for the purpose of computing the income from the business so deemed to have been carried on, the following rules are applicable:

- (a) every amount received under, in consideration of, in respect of or on account of such a contract, arrangement or relationship shall be deemed to have been received by the corporation in the course of the business;
- (b) the income shall, otherwise, be computed in accordance with the rules applicable in computing the income from a business for the purposes of this Part; and
- (c) all income from property vested in the corporation shall be deemed to be income of the corporation."

(2) Section 68A of the said Act as enacted by this section is applicable,

- (a) in the case of a resident corporation, to the 1954 and subsequent taxation years, and
- (b) in the case of a non-resident corporation, to the 1953 and subsequent taxation years and, *mutatis mutandis*, in the computation of the income of the corporation under the *Income War Tax Act* for the 1947 and 1948 taxation years and under *The Income Tax Act* for the 1949 to 1952 taxation years.

(3) The said section 68 A (except paragraphs (a) and (b) thereof in the case of a mutual insurance corporation) is applicable in the case of a resident corporation.

- (a) to the 1953 taxation year, and
- (b) *mutatis mutandis*, in the computation of the income of the corporation under the *Income War Tax Act* for the 1947 and 1948 taxation years and under *The Income Tax Act* for the 1949 to 1952 taxation years.

(4) Notwithstanding subsection (2), the income of a resident mutual insurance corporation, other than a life insurance corporation, for the 1954 taxation year from sources other than property vested in the corporation shall be deemed to be an amount equal to that proportion of the income of the corporation for that year from sources other than property vested in the corporation that

- (a) the number of days in that portion of the taxation year that is after December, 1953,
- is of
- (b) the number of days in the whole year.

16. (1) Paragraph (c) of subsection (4) of section 70 of the said Act is repealed and the following substituted therefor:

- "(c) its principal business was not
- (i) the making of loans, or

Non-Resident-Owned Investment Corporations.

(ii) trading or dealing in mortgages, hypothecs, bills, notes or other similar property or any interest therein;"

(2) This section is applicable to the 1954 and subsequent taxation years.

17. (1) Subsection (4) of section 79 of the said Act is repealed and the following substituted therefor:

Employer's
contribution
to trust
deductible.

"(4) An amount paid by an employer to a trustee under an employees profit sharing plan during a taxation year or within 60 days thereafter may be deducted in computing the employer's income for the taxation year to the extent that it was not deductible in computing income for a previous taxation year."

(2) The said section 79 is further amended by adding thereto the following subsection:

Payments out
of profits.

"(7) Where the terms of an arrangement under which an employer makes payments to a trustee specifically provide that the payments shall be made "out of profits", such arrangement shall, if the employer has so elected in prescribed manner, be deemed, for the purpose of subsection (1), to be an arrangement for payments "computed by reference to his profits from his business"."

(3) This section is applicable to the 1954 and subsequent taxation years.

18. Section 81 of the said Act is amended by adding thereto the following subsection:

Where paid-up
capital
increased.

"(8) Where a corporation has at any time increased its paid-up capital otherwise than by

(a) payment of a stock dividend, or

(b) a transaction that has increased the assets of the corporation by an amount not less than the amount by which its paid-up capital has been increased,

the corporation shall, for the purpose of subsection (3), be deemed to have capitalized at that time undistributed income on hand equal to the lesser of

(c) the undistributed income then on hand, or

(d) the amount by which the corporation's paid-up capital was so increased, minus the amount, if any, by which the assets of the corporation have been so increased."

19. (1) Subsection (3) of section 82 of the said Act is amended by repealing all that portion of the said subsection preceding paragraph (a) thereof and by substituting therefor the following:

Computation.

"(3) For the purpose of computing undistributed income under paragraph (a) of subsection (1), there shall be added to the amount from which the aggregate of the amounts

referred to in subparagraphs (i) to (viii) thereof is to be subtracted”

(2) Subsection (3) of section 73A of *The Income Tax Act* is amended by repealing all that portion of the said subsection preceding paragraph (a) thereof and by substituting therefor the following:

“(3) For the purpose of computing undistributed income under paragraph (a) of subsection (1), there shall be added to the amount from which the aggregate of the amounts referred to in subparagraphs (i) to (vii) thereof is to be subtracted” Computation.

(3) Subsection (3) of section 82 of the *Income Tax Act* is further amended by deleting the word “and” at the end of paragraph (a) thereof and by adding thereto, immediately after paragraph (a) thereof, the following paragraphs:

“(aa) where a deduction or deductions from tax at the rate of $26\frac{2}{3}\%$ have been allowed to a corporation under subsection (6), (7), (9) or (9A) of section 8 of the *Income War Tax Act*, an amount equal to $\frac{5}{4}$ of the aggregate of the deductions so allowed,

(ab) where a deduction or deductions from tax at the rate of 30% have been allowed to a corporation under subsection (8) of section 8 of the *Income War Tax Act*, an amount equal to $\frac{5}{6}$ of the aggregate of the deductions so allowed,

(ac) where a deduction or deductions from tax at the rate of 20% have been allowed to a corporation under subsection (6A), (7A) or (9) of section 8 of the *Income War Tax Act*, an amount equal to $\frac{5}{3}$ of the aggregate of the deductions so allowed,

(ad) where a deduction or deductions from tax at the rate of $22\frac{1}{2}\%$ have been allowed to a corporation under subsection (8) of section 8 of the *Income War Tax Act*, an amount equal to $\frac{10}{9}$ of the aggregate of the deductions so allowed, and”

(4) Subsection (12) of section 82 of the *Income Tax Act* is repealed and the following substituted therefor:

“(12) Where a corporation is deemed by subsection (3) of section 81 to have received a dividend on or after June 30, 1950, its undistributed income on hand immediately thereafter, as determined under paragraph (a) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation’s income for the year by virtue of subsection (4) of section 81; and, in any such case, the receiving corporation’s tax-paid undistributed income immediately after the dividend is deemed to have been received, as determined under paragraph (b) of subsection (1), shall be deemed to be the amount otherwise Tax-paid undistributed income deemed received.

determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 81."

(5) Subsection (12) of section 73A of *The Income Tax Act* is repealed and the following substituted therefor:

Tax-paid
undistributed
income
deemed
received.

"(12) Where a corporation is deemed by subsection (3) of section 73 to have received a dividend on or after June 30, 1950, its undistributed income on hand immediately thereafter, as determined under paragraph (a) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 73; and, in any such case, the receiving corporation's tax-paid undistributed income immediately after the dividend is deemed to have been received, as determined under paragraph (b) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 73."

(6) Section 82 of the *Income Tax Act* is further amended by adding thereto the following subsections:

Control
acquired of
inactive
business.

"(13) Where more than 50% of the issued share capital of a corporation has, between a time when the corporation ceased to carry on active business and a time when it commenced to carry on active business again, been acquired by a person or persons who did not own any of the shares in the corporation at the time when it so ceased to carry on active business, if the corporation had no undistributed income on hand at the latter time, the reference in subsection (1) to "the taxation year that ended in 1917" shall be deemed to be a reference to the taxation year in which the corporation so commenced to carry on active business again.

(14) A person who has a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation shall be deemed, for the purpose of subsection (13), to have acquired the shares at the time he acquired the right."

(7) Subsections (1) and (4) shall be deemed to have come into force on the day on which the Revised Statutes of Canada, 1952, came into force; subsection (2) shall be deemed to have come into force on the day on which chapter 40 of the statutes of 1952-53 came into force; and subsection (5) shall be deemed to have come into force on June 30, 1950.

(8) Subsection (6) is applicable to the 1954 and subsequent taxation years where the corporation commenced to carry on the active business on or after May 31, 1954.

20. (1) Paragraph (a) of subsection (4) of section 83 of the said Act is repealed and the following substituted therefor:

“(a) in the case of a person who disposes of the shares while or after carrying on a campaign to sell shares of the corporation to the public, or”

(2) Subsection (5) of the said section 83 is amended by repealing all that portion of the said subsection after paragraph (b) thereof and substituting therefor the following:

“that came into production of ore prior to the end of the 1957 calendar year, income derived from the operation of the mine during the period of 36 months commencing with the day on which the mine came into production shall, subject to prescribed conditions, not be included in computing the income of the corporation.”

(3) This section is applicable to the 1954 and subsequent taxation years.

21. (1) Section 85A of the said Act is amended by adding thereto the following subsections:

“(6) For greater certainty it is hereby declared that, where Application. a person to whom any provision in subsection (1) would otherwise apply has ceased to be an employee before all things have happened which would make that provision applicable, subsection (1) shall continue to apply as though the person were still an employee and as though the employment were still in existence.

(7) This section does not apply if the benefit conferred Idem. by the agreement was not received in respect of, in the course of or by virtue of the employment.”

(2) This section is applicable to the 1953 and subsequent taxation years in cases where the agreements were made after March 23, 1953.

22. (1) Paragraph (c) of subsection (1) of section 85B is amended by deleting the word “or” at the end of subparagraph (iii) thereof and by adding thereto, immediately after subparagraph (iii) thereof, the following subparagraph:

“(iiia) periods for which rent or other amounts for the possession or use of chattels other than a ship have been paid in advance, if the payment in respect thereof was made for a period of more than two years, or”

(2) The said section 85B is further amended by adding thereto the following subsection:

“(8) Where a taxpayer is an individual and his income Reference to “taxation year.” for a taxation year includes income from a business the fiscal period of which does not coincide with the calendar year, unless the context otherwise requires, a reference in this section to “taxation year” or “year” shall be read as a reference to the fiscal period ending in the year.”

(3) This section is applicable to the 1953 and subsequent taxation years.

23. (1) The said Act is further amended by adding thereto, immediately after section 85B thereof, the following heading and section:

“Family Allowance Payments.

Child not
previously
qualified for
family
allowance.

85C. Where any child not previously qualified for family allowance, in respect of whom a taxpayer is entitled to a deduction under section 26, becomes a child qualified for family allowance during a taxation year by reason of having become during the year a child as described in subparagraph (ii) or (iii) of paragraph (b) of section 2 of the *Family Allowances Act*, the following rules are, if the taxpayer so elects, applicable:

- (a) the child shall be deemed not to have been a child qualified for family allowance during the year; and
- (b) there shall be added to the tax otherwise payable by the taxpayer under this Part upon his taxable income for the year an amount equal to the aggregate of all amounts that were payable during the year as family allowance in respect of that child or that would have been so payable if that child had been registered under the *Family Allowances Act*.”

(2) This section is applicable to the 1954 and subsequent taxation years.

24. (1) The said Act is further amended by adding thereto, immediately after section 85C thereof, the following heading and section:

“Accounts Receivable.

Sale of
accounts
receivable.

85D. (1) Where a person who has been carrying on a business has, in a taxation year, sold all or substantially all the property used in carrying on the business, including the debts that have been or will be included in computing his income for that year or a previous year and that are still outstanding, to a purchaser who proposes to continue the business which the vendor has been carrying on, if the vendor and the purchaser have executed jointly an election in prescribed form to have this section apply, the following rules are applicable:

- (a) there may be deducted in computing the vendor's income for the taxation year an amount equal to the difference between the face value of the debts so sold (other than debts in respect of which the vendor has

made deductions under paragraph (f) of subsection (1) of section 11) and the consideration paid by the purchaser to the vendor for the debts so sold;

(b) an amount equal to the difference described in paragraph (a) shall be included in computing the purchaser's income for the taxation year;

(c) the debts so sold shall be deemed, for the purposes of paragraphs (e) and (f) of subsection (1) of section 11, to have been included in computing the purchaser's income for the taxation year or a previous year but no deduction may be made by the purchaser under paragraph (f) of subsection (1) of section 11 in respect of a debt in respect of which the vendor has previously made a deduction; and

(d) each amount deducted by the vendor in computing income for a previous year under paragraph (f) of subsection (1) of section 11 in respect of any of the debts so sold shall be deemed, for the purpose of paragraph (f) of section 6, to have been so deducted by the purchaser.

(2) An election executed for the purposes of subsection (1) shall contain a statement by the vendor and the purchaser jointly as to the consideration paid for the debts sold by the vendor to the purchaser and that statement shall, as against the Minister, be binding upon the vendor and the purchaser insofar as it may be relevant in respect of any matter arising under this Act."

Statement by
vendor and
purchaser.

(2) This section is applicable to the 1954 and subsequent taxation years.

25. Paragraph (i) of subsection (2) of section 105 of the said Act is repealed and the following substituted therefor:

Undistributed
income.

"(i) the aggregate of

(A) the dividends declared by it that were paid by it in the taxation years beginning with the 1950 taxation year and ending with the last complete taxation year before the election, and

(B) the dividends that were, by subsection (3) of section 81, deemed to have been received by shareholders of the corporation in consequence of the corporation having paid a stock dividend in the taxation years referred to in subparagraph (A),

except such portions thereof as, by virtue of subsection (4) of section 81 or subsection (1) of section 141, have not been taken into account in computing income of shareholders of the corporation,"

26. (1) Subsection (1) of section 105A is repealed and the following substituted therefor:

Tax on
premium.

“(1) Where a corporation other than a non-resident-owned investment corporation has in a taxation year redeemed or acquired any of its shares, other than a common share, at a premium, the corporation shall, on or before the day on or before which it is required to file its return of income under Part I for the taxation year in which the share was redeemed or acquired, pay

- (a) a tax of 20% on the amount of the premium, if the amount of the premium on the share was not more than 10% of the amount referred to in paragraph (a) or (b), as the case may be, of subsection (2), and
- (b) a tax of 30% on the amount of the premium, if the amount of the premium on the share was more than 10% of the amount referred to in paragraph (a) or (b), as the case may be, of subsection (2).”

(2) This section is applicable

- (a) to any acquisition of shares on or after May 31, 1954, and
- (b) to any redemption of shares on or after July 31, 1954, other than an acquisition or redemption
- (c) where the shares were issued on or before February 19, 1953, and
- (d) where the maximum amount payable by the corporation in respect of the redemption or acquisition of the shares was fixed, by or in accordance with the law under which the corporation was incorporated, on or before February 19, 1953, and has not been increased since that day.

Non-resident
persons.

27. (1) Subparagraph (i) of paragraph (a) of subsection (1) of section 106 of the said Act is repealed and the following substituted therefor:

- “(i) a dividend from a non-resident-owned investment corporation if the tax paid by its shareholders under this Part on other dividends declared previous to the declaration thereof since the 1932 taxation year plus the tax paid by the corporation under Part I on its income for taxation years since 1932 for which it was not taxable under section 70 is not less than the taxes that would have been payable by its shareholders under this Part if an amount equal to the corporation’s surplus determined in prescribed manner for each of the taxation years for which it was not taxable under section 70 had been distributed by way of dividends in the year in which it was earned to non-resident shareholders, or”

(2) Subsection (2) of the said section 106 is repealed and the following substituted therefor:

“(2) Every non-resident person shall pay an income tax of 10% on every amount that a person resident in Canada pays or credits, or is deemed by Part I to pay or credit, to him as, on account or in lieu of payment of, or in satisfaction of, payment for a right in or to the use of motion picture films (including films for use in connection with television) that have been or are to be used or reproduced in Canada.” Motion picture films.

28. Section 108 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

“(2a) Subsection (2) does not apply in respect of any redemption of a security or discharge of a capital obligation by a corporation where the security or obligation had a face value and the corporation actually received in consideration therefor Application.

(a) Canadian currency in an amount not less than 90% of the face value, or

(b) other rights or things readily convertible, at any bank to which the *Bank Act* applies, into Canadian currency in an amount not less than 90% of the face value.”

29. (1) The said Act is further amended by adding thereto, immediately after section 110 thereof, the following section:

“**110A.** (1) For the purposes of this Act, where (a) a non-resident corporation (hereinafter in this section referred to as the “parent corporation”) has borrowed money from Loan to wholly-owned subsidiary

(i) a person resident in Canada, or

(ii) a non-resident insurance corporation carrying on business in Canada,

(hereinafter in this section referred to as the “original lender”) under an arrangement whereby the parent corporation is required to pay interest in Canadian currency, and

(b) the parent corporation has loaned the money so borrowed, or a part thereof, to a subsidiary wholly-owned corporation resident in Canada whose principal business is the making of loans (hereinafter in this section referred to as the “subsidiary corporation”) under an arrangement whereby the subsidiary corporation is required to repay the loan to the parent corporation with interest at the same rate as is payable by the parent corporation to the original lender,

the amount so loaned by the parent corporation to the subsidiary corporation shall be deemed to have been

borrowed from the original lender by the parent corporation as agent of the subsidiary corporation and interest paid by the subsidiary corporation to the parent corporation that has been paid over by the parent corporation to the original lender shall be deemed to have been paid by the subsidiary corporation to the original lender and not by the subsidiary corporation to the parent corporation or by the parent corporation to the original lender.

Idem.

(2) Where a parent corporation has loaned money to a subsidiary wholly-owned corporation resident in Canada whose principal business is not the making of loans and the money has been loaned by that corporation to a subsidiary corporation wholly-owned by it and resident in Canada whose principal business is the making of loans, the loan by the parent corporation shall be deemed, for the purpose of subsection (1), to have been a loan to a subsidiary wholly-owned corporation whose principal business is the making of loans.

Election.

(3) This section does not apply in respect of any payment of interest unless the parent corporation and the original lender have executed, and filed with the Minister, an election in prescribed form.

Application of election.

(4) An election filed under subsection (3) does not apply in respect of any payment of interest made more than 12 months before the date on which the election was filed with the Minister."

(2) This section is applicable in respect of payments of interest made on or after January 1, 1954.

Regulations.

30. (1) Subsection (1) of section 117 of the said Act is amended by deleting the word "and" at the end of paragraph (i) thereof and by adding thereto, immediately after paragraph (i) thereof, the following paragraph:

"(ia) defining the classes of non-resident persons who may be regarded for the purposes of this Act

(i) as a spouse supported by a taxpayer, or

(ii) as a person dependent or wholly dependent upon a taxpayer for support;

and specifying the evidence required to establish that a person belongs to any such class, and"

(2) This section is applicable to the 1954 and subsequent taxation years.

31. (1) Subsection (5) of section 139 of the said Act is repealed and the following substituted therefor:

"(5) For the purposes of this Act,

(a) related persons shall be deemed not to deal with each other at arm's length; and

(b) it is a question of fact whether persons not related to each other were at a particular time dealing with each other at arm's length.

Arm's length.

(5a) For the purpose of subsection (5), (5c) and this subsection, "related persons", or persons related to each other, are Relationship defined.

(a) individuals connected by blood relationship, marriage or adoption;

(b) a corporation and

(i) a person who controls the corporation, if it is controlled by one person,

(ii) a person who is a member of a related group that controls the corporation, or

(iii) any person related to a person described by subparagraph (i) or (ii);

(c) any two corporations

(i) if they are controlled by the same person or group of persons,

(ii) if each of the corporations is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation,

(iii) if one of the corporations is controlled by one person and that person is related to any member of a related group that controls the other corporation,

(iv) if one of the corporations is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation,

(v) if any member of a related group that controls one of the corporations is related to each member of an unrelated group that controls the other corporation, or

(vi) if each member of an unrelated group that controls one of the corporations is related to at least one member of an unrelated group that controls the other corporation.

(5b) Where two corporations are related to the same corporation within the meaning of subsection (5a), they shall, for the purpose of subsection (5) or (5a), be deemed to be related to each other. Corporations related to each other.

(5c) In subsection (5a), (5d) and this subsection,

(a) "related group" means a group of persons each member of which is related to every other member of the group; and "Related group."

(b) "unrelated group" means a group of persons that is not a related group. "Unrelated group."

(5d) For the purpose of subsection (5a)

(a) where a related group is in a position to control a corporation, it shall be deemed to be a related group that controls the corporation whether or not it is part Control by related group, options, etc.

of a larger group by whom the corporation is in fact controlled; and

- (b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall be deemed to have had the same position in relation to the control of the corporation as if he owned the shares."

(2) All that portion of subsection (6) of the said section 139 preceding paragraph (a) thereof is repealed and the following substituted therefor:

Persons
related by
blood
relationship,
etc.

"(6) For the purpose of paragraph (a) of subsection (5a),"

(3) This section is applicable to the 1954 and subsequent taxation years.

32. Subsection (3) of section 53 of chapter 25 of the statutes of 1949 (Second Session) is repealed and the following substituted therefor:

Application.

"(3) Subsection (1) is applicable in respect of expenditures incurred in the calendar years 1949 to 1952, subsection (1A) is applicable in respect of expenditures incurred in the calendar years 1953 to 1957 and subsection (2) is applicable in respect of expenditures incurred in the calendar years 1949 to 1957."

Geological
conditions.

33. (1) Paragraph (a) of subsection (5A) of section 53 of chapter 25 of the statutes of 1949 (Second Session) is repealed and the following substituted therefor:

"(a) the testing of a significant geological structure by a deep test well that was spudded in during, or the deepening of which was commenced in, any of the years 1953 to 1955 and that proved unproductive, or"

(2) Subsection (5A) of the said section 53 is further amended by deleting the word "and" at the end of paragraph (c) thereof and by adding thereto, immediately after paragraph (c) thereof, the following paragraph:

"(ca) the geological conditions of the structure referred to in paragraph (a) were complicated, and"

(3) Paragraph (ca) of subsection (5A) of the said section 53 as enacted by this section is not applicable in a case where an application for submission of the recommendation to the Governor in Council has been received by the Department of Mines and Technical Surveys on or before April 6, 1954.

2 - 3 ELIZABETH II.

CHAP. 58.

An Act to amend the Judges Act.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of R.S. c. 159,
the Senate and House of Commons of Canada, enacts 1952-53, c. 4.
as follows:

1. Paragraph (b) of section 13 of the *Judges Act*, Salaries of
chapter 159 of the Revised Statutes of Canada, 1952, is judges of
repealed and the following substituted therefor: Court of
Appeal.

“(b) Five Justices of Appeal, each..... 14,400.00”

2. Paragraph (d) of section 16 of the said Act is repealed Salaries of
and the following substituted therefor: judges of
Supreme
Court of
Alberta.

“(d) Six Justices of the Supreme Court of
Alberta, each..... 14,400.00”

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 59.

An Act respecting Extra-Provincial Motor Vehicle Transport.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Motor Vehicle Transport Act*. Short title.

INTERPRETATION.

2. In this Act,

Definitions.

- (a) "extra-provincial transport" means the transport of passengers or goods by means of an extra-provincial undertaking; "Extra-provincial transport."
- (b) "extra-provincial undertaking" means a work or undertaking for the transport of passengers or goods by motor vehicle, connecting a province with any other or others of the provinces, or extending beyond the limits of a province; "Extra-provincial undertaking."
- (c) "federal carrier" means a person who operates an extra-provincial undertaking; "Federal carrier."
- (d) "law of the province" means a law of a province or municipality not repugnant to or inconsistent with this Act; "Law of the province."
- (e) "local carrier" means a person who operates a work or undertaking, not being an extra-provincial undertaking, for the transport of passengers or goods by motor vehicle; "Local carrier."
- (f) "local transport" means the transport of passengers or goods by motor vehicle otherwise than by means of an extra-provincial undertaking; "Local transport."

"Local
under-
taking."

(g) "local undertaking" means a work or undertaking for the transport of passengers or goods by motor vehicle, not being an extra-provincial undertaking; and

"Provincial
transport
board."

(h) "provincial transport board" means a board, commission or other body or person having under the law of a province authority to control or regulate the operation of a local undertaking.

OPERATION OF UNDERTAKING.

Operating
licence.

3. (1) Where in any province a licence is by the law of the province required for the operation of a local undertaking, no person shall operate an extra-provincial undertaking in that province unless he holds a licence issued under the authority of this Act.

Issue of
licence.

(2) The provincial transport board in each province may in its discretion issue a licence to a person to operate an extra-provincial undertaking into or through the province upon the like terms and conditions and in the like manner as if the extra-provincial undertaking operated in the province were a local undertaking.

TARIFFS AND TOLLS.

Tariffs and
tolls.

4. Where in any province tariffs and tolls to be charged by a local carrier for local transport are determined or regulated by the provincial transport board, the tariffs and tolls to be charged by a federal carrier for extra-provincial transport in that province may in the discretion of the provincial transport board be determined and regulated by the provincial transport board in the like manner and subject to the like terms and conditions as if the extra-provincial transport in that province were local transport.

GENERAL.

Exemption.

5. The Governor in Council may exempt any person or the whole or any part of an extra-provincial undertaking or any extra-provincial transport from all or any of the provisions of this Act.

Penalties.

6. (1) Every person who violates any provision of this Act or who fails to comply with any order or direction made by a provincial transport board under the authority of this Act is guilty of an offence and is liable on summary

conviction to a fine of one thousand dollars or to imprisonment for a term of one year or to both fine and imprisonment.

(2) A fine imposed under subsection (1) shall be paid over by the magistrate or officer receiving it to the treasurer of the province in which it was imposed. ^{Disposition of fines.}

7. This Act shall come into force in a province only upon the issue of a proclamation of the Governor in Council declaring it to be in force in that province. ^{Proclamation in a province.}

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 60.

An Act to amend the National Harbours Board Act.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 187.

1. (1) Section 2 of the *National Harbours Board Act*, chapter 187 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after paragraph (e) thereof, the following paragraph:

“(ea) “owner” includes, in the case of a vessel, the agent, charterer by demise or master of the vessel, and, in the case of goods, the agent, sender, consignee or bailee of the goods, as well as the carrier of such goods to, upon, over or from any property under the administration or jurisdiction of the Board;”

(2) Paragraph (g) of section 2 of the said Act is repealed and the following substituted therefor:

“(g) “vessel” includes any ship, boat, barge, raft, dredge, floating elevator, scow, seaplane on the water or other floating craft.”

2. Subsection (11) of section 3 of the said Act is repealed and the following substituted therefor:

“(11) Where any member, by reason of any temporary incapacity or temporary delegation to other duties by the Governor in Council, is unable at any time to perform the duties of his office, the Governor in Council may appoint a temporary substitute member upon such terms and conditions as the Governor in Council prescribes.” Temporary incapacity or delegation to other duties.

3. The said Act is further amended by adding thereto, immediately after section 4 thereof, the following section:

“**4A.** (1) Any superior court judge within whose jurisdiction property under the administration of the Board is Police constables.

situated may, upon application to him by the Board, appoint any person as a police constable for the enforcement of this Act and the by-laws and for the enforcement of the laws of Canada or any province in so far as the enforcement of such laws relates to the protection of property under the administration of the Board or to the protection of persons present upon, or property situated upon, premises under the administration of the Board, and for that purpose every such police constable is deemed to be a peace officer within the meaning of the *Criminal Code* and to possess jurisdiction as such upon property under the administration of the Board and in any place not more than twenty-five miles distant from property under the administration of the Board.

Powers of
police
constable.

(2) A police constable appointed under subsection (1) may take any person charged with any act or omission punishable by fine or imprisonment under this Act or any law referred to in subsection (1) before any court possessing jurisdiction in such cases over any area within which any property under the administration of the Board is located, whether or not the person was taken or the act or omission occurred or is alleged to have occurred within such area, and the court shall deal with such person as though he had been taken and as though the act or omission had occurred within the area of the court's jurisdiction, but no court shall so deal with such person if the act or omission is alleged to have occurred outside the province or at a place more than twenty-five miles distant from the place where the court is sitting."

Dismissal
of police
constable.

(3) Any superior court judge referred to in subsection (1) or the Board may dismiss any police constable appointed under that subsection, whereupon all powers, duties and privileges belonging to or vested in such constable by virtue of this section are terminated.

Repeal.

4. Subsection (1) of section 5 of the said Act is repealed.

5. (1) Paragraph (c) of subsection (1) of section 12 of the said Act is repealed and the following substituted therefor:

"(c) where the estimated cost of the work does not exceed fifteen thousand dollars."

(2) Subsection (2) of section 12 of the said Act is repealed and the following substituted therefor:

Awarding of
contracts.

"(2) Whenever tenders are required by subsection (1) to be called, the Board shall, after having given to the tenderers reasonable notice of the time and place of the opening of the tenders, open them in public, and may within a reasonable time thereafter award the contract.

Approval of
Governor in
Council.

(3) Notwithstanding subsections (1) and (2), no contract for the execution of any work shall be awarded by the

Board, without the approval of the Governor in Council, for an amount in excess of fifteen thousand dollars, unless

- (a) tenders are called by the Board by public advertisement for the execution of the work, and not less than two such tenders are received by the Board;
- (b) the person to whom the contract is to be awarded is the person who submitted the lower or lowest such tender; and
- (c) the amount of the contract as indicated by the tender of the person to whom the contract is to be awarded does not exceed fifty thousand dollars."

6. (1) Paragraph (b) of subsection (1) of section 13 of the said Act is repealed and the following substituted therefor:

"(b) the use of the harbours, harbour property or other property under the administration of the Board by vessels and aircraft and the owners thereof, the leasing or allotment of any harbour property or other property under the administration of the Board, and the purchase or sale by the Board, subject to such limitations and conditions as the by-laws may prescribe, of any property other than real property;" Use of harbours and facilities.

(2) Paragraph (e) of subsection (1) of the said section 13 is repealed and the following substituted therefor:

"(e) the imposition and collection of tolls on vessels or aircraft entering, using or leaving any of the harbours; on passengers; on cargoes; on goods or cargoes of any kind brought into or taken from any of the harbours or any property under the administration of the Board, or landed, shipped, transshipped or stored at any of the harbours or on any property under the administration of the Board or moved across property under the administration of the Board; for the use of any property under the administration of the Board or for any service performed by the Board; and the stipulation of the terms and conditions (including any affecting the civil liability of the Board in the event of negligence on the part of any officer or employee of the Board) upon which such use may be made or service performed; Harbour tolls.

(ea) the transportation, handling or storing upon any property under the administration of the Board or any private property within any harbour under the jurisdiction of the Board of explosives or other substances that, in the opinion of the Board, constitute or are likely to constitute a danger or hazard to life or property;" Dangerous substances.

(3) The said section 13 is further amended by adding thereto, immediately after subsection (2) thereof, the following subsections:

By-law may
be made
binding on
Her Majesty.
Copy of by-
law as
evidence.

“(3) Any by-law may be made binding upon Her Majesty in right of Canada or any province.

(4) A copy of any by-law certified by the Secretary of the Board under the seal of the Board shall be admitted as conclusive evidence of the provisions of such by-law in any court in Canada.”

Board may
commute
tolls.

7. Subsections (1) and (2) of section 15 of the said Act are repealed and the following substituted therefor:

“15. (1) The Board may, with the approval of the Minister, commute, reduce or waive any tolls fixed by by-law on such terms and conditions as the Board deems expedient.

Tolls may
be recovered
as a debt.

(2) The tolls imposed by by-law upon any goods may, unless the by-law otherwise provides, be recovered by the Board as a debt due by the owner of such goods, and no goods shall be removed from any harbour or any other property under the administration of the Board until all tolls imposed upon such goods have been paid or security for payment accepted by the Board.”

Seizure of
vessels.

8. Section 16 of the said Act is repealed and the following substituted therefor:

“16. (1) The Board may, as provided in section 18, seize any vessel within the territorial waters of Canada in any case where,

- (a) any amount is owing to the Board in respect of such vessel for tolls;
- (b) property under the administration of the Board has been damaged by the vessel or through the fault or negligence of a member of the crew thereof acting in the course of his employment or under the orders of his superior officers;
- (c) obstruction to the performance of any duty or function of the Board or its officers or employees has been made or offered by the vessel or through the fault or negligence of a member of the crew thereof acting in the course of his employment or under the orders of a superior officer, as a result of which obstruction damage or other loss has been sustained by the Board;
- (d) the owner of the vessel has in respect of the vessel committed an offence under this Act or the by-laws, punishable upon summary conviction by a penalty payable under section 21 to the Board;
- (e) judgment against the vessel or the owner thereof has been obtained in any case described in paragraph (a), (b) or (c); or
- (f) conviction of the owner of the vessel has been obtained, in any case described in paragraph (d), and a penalty imposed payable under section 21 to the Board.

(2) In any case described in paragraph (a), (b), (c) or (d) of subsection (1) the Board may detain any vessel seized pursuant to subsection (1) until the amount owing to the Board has been received by it or, if liability is denied, until security satisfactory to the Board has been deposited with it.

Detention of
vessels seized.

(3) In any case described in paragraph (e) or (f) of subsection (1), the Board may detain the vessel until the amount owing to the Board has been paid and, in any such case, if the amount so owing is not paid within thirty days after the date of the judgment or the conviction the Board may apply to any court of competent jurisdiction for an order authorizing the sale of the vessel, and upon the making of the order the Board may sell the vessel upon such terms and conditions and for such price as to the Board seems proper, and to the extent that the amount realized from the sale exceeds the amount owing to the Board together with all expenses incurred by the Board in connection with the sale, the Board shall remit the amount so realized to the former owner of the vessel.

Detention
and sale of
vessel in
certain cases.

(4) In any case mentioned in subsection (1), whether or not the vessel has actually been seized or detained, the Board has at all times a lien upon the vessel and upon the proceeds of any sale or other disposition thereof for the amount owing to the Board, which lien has priority over all other rights, interests, claims and demands whatsoever, excepting only claims for wages of seamen under the *Canada Shipping Act*.

Board to
have a lien.

(5) The rights of the Board under subsections (2), (3) and (4) are exercisable by the Board whether or not title to or possession of the vessel is, at the time of the exercise of any such right, in the same person as the person who held such title or possession at the time when, in the opinion of the Board, the amount owing to the Board first became due.

Rights
exercisable by
Board.

(6) For the purposes of subsections (2), (4) and (5), the amount owing to the Board in respect of any case described in paragraph (a), (b), (c) or (d) of subsection (1) is the amount fixed by the Board as owing to it together with all expenses incurred by the Board in searching for, following, seizing and detaining the vessel, and for the purposes of subsections (3), (4) and (5) the amount owing to the Board in respect of any case described in paragraph (e) or (f) of subsection (1) is the amount of the judgment and costs, or the amount of the penalty incurred and costs, as the case may be, together with all expenses incurred by the Board in searching for, following, seizing and detaining the vessel.

Amounts
owing to the
Board.

(7) Whether or not all or any of the rights of the Board under this section are exercised by the Board, the Board

Other
remedies
available to
Board.

may, in any case described in subsection (1), proceed against the owner of the vessel in any court of competent jurisdiction for the amount owing to the Board (or for the balance thereof in the event of any sale contemplated by subsection (3)) and may also exercise against the owner of the vessel any other right or remedy available to the Board at law."

9. Section 17 of the said Act is repealed and the following substituted therefor:

Board to
have a
general lien.

"**17.** (1) The Board has a general lien in preference to all other rights, interests, claims and demands whatsoever upon all goods in its possession for the payment of any debt owing to the Board by the person in whom title to such goods is vested, whether or not the debt was incurred in respect of those goods.

Seizure and
detention of
goods.

(2) The Board may, as provided in section 18, seize and detain any goods in any case where,

- (a) the goods are subject to the general lien referred to in subsection (1);
- (b) any amount is due to the Board for tolls in respect of such goods and has not been paid, whether or not title to the goods is, at the time of the seizure, vested in the person by whom the tolls were incurred;
- (c) any penalty has been incurred by reason of any violation of this Act or the by-laws by the person in whom title to such goods is vested, whether or not such violation occurred in respect of those goods and whether or not title thereto is, at the time of the seizure, vested in the person by whom the penalty was incurred; or
- (d) the goods are perishable goods or goods in respect of which the amount of tolls accruing thereon is, in the opinion of the Board, likely to become greater than the amount that could be realized by the sale of such goods; and any goods so seized and detained shall, throughout the period of detention up to a maximum of thirty days, incur Board tolls in the same manner and to the same extent as if voluntarily left or stored with the Board by the owner of the goods during such period."

10. Section 20 of the said Act is repealed and the following substituted therefor:

Sale of
goods seized.

"**20.** (1) The Board may sell at public auction or by private tender the whole or any part of the goods seized or detained under the provisions of section 17,

- (a) at any time after the date of such seizure, in respect of goods of the kind described by paragraph (d) of subsection (2) of section 17; or
- (b) at any time after the expiration of thirty days from the date of such seizure, in respect of any other goods; and out of the proceeds of any such sale the Board may

retain any debt, tolls, penalty or other amount referred to in section 17, together with all expenses incurred by the Board in connection with the seizure, detention and sale, and shall pay the surplus, if any, to the former owner of the goods.

(2) Whether or not all or any of the rights of the Board under section 18 and under subsection (1) of this section are exercised by the Board, the Board may, in any case described in section 17, proceed against the owner of the goods in any court of competent jurisdiction for the recovery of any debt, tolls, penalty or other amount referred to in section 17 (or for the balance thereof in the event of any sale contemplated by subsection (1) of this section) and may also exercise against the owner of the goods any other right or remedy available to the Board at law.” Other remedies.

11. Section 22 of the said Act is repealed and the following substituted therefor:

“**22.** Every person who contravenes any of the provisions of this Act or the by-laws is guilty of an offence and, except as otherwise provided in the by-laws, is liable on summary conviction to a penalty not exceeding five hundred dollars or to imprisonment for a term not exceeding sixty days or to both such penalty and imprisonment.” Offences and penalties.

12. Section 26 of the said Act is repealed.

Repeal.

13. Section 34 of the said Act is repealed and the following substituted therefor:

“**34.** The accounts and financial transactions of the Board shall be audited by the Auditor General.” Audit.

14. Subsection (3) of section 10 of *The National Harbours Board Act, 1936*, chapter 42 of the statutes of 1936, is repealed. Ss. (3) of s. 10 of c. 42 of statutes of 1936.

2 - 3 ELIZABETH II.

CHAP. 61.

An Act to repeal the National Physical Fitness Act.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of the R.S., c. 190.
Senate and House of Commons of Canada, enacts as
follows:

1. The *National Physical Fitness Act*, chapter 190 of the Repeal.
Revised Statutes of Canada, 1952, is repealed.

2. Notwithstanding section 1, the said Act continues in Transitional.
force for the purpose of carrying out and giving effect to
any agreement made with a province under section 7 of the
said Act and in effect at the coming into force of this Act.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 62.

An Act to amend the Pension Act.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S. cc. 207,
332.

1. Section 2 of the *Pension Act*, chapter 207 of the Revised Statutes of Canada, 1952, is amended by repealing paragraph (l) thereof and by adding thereto, immediately after paragraph (v) thereof, the following paragraph:

“(vv) “treatment allowance” means an allowance paid or payable by the Department to or on behalf of a person while under treatment by the Department for a pensionable disability;” “Treatment allowance.”

2. (1) Subsection (11) of section 3 of the said Act is repealed and the following substituted therefor:

“(11) The Chairman, Deputy Chairman, the other Commissioners and the *ad hoc* Commissioners shall each be paid a salary to be fixed by the Governor in Council, except that the salary to be paid to the *ad hoc* Commissioners and the said other Commissioners shall be fixed at the same rate.” Salaries.

(2) Until the salaries of the Chairman, Deputy Chairman, Commissioners and *ad hoc* Commissioners are otherwise fixed by the Governor in Council under subsection (11) of section 3 of the said Act, as enacted by subsection (1) of this section, each of the said persons shall continue to be paid the salary of which he was in receipt at the coming into force of this Act.

3. Subsection (1) of section 7 of the said Act is repealed and the following substituted therefor: Powers under
Inquiries Act.

“7. (1) The Commission, or subject to the direction of the Commission, any Appeal Board, has all the powers

and authority of a commissioner appointed under Part I of the *Inquiries Act*, and may exercise any discretion conferred by this Act upon the Commission."

4. Subsection (8) of section 24 of the said Act is repealed.

5. (1) Subsection (3) of section 26 of the said Act is repealed and the following substituted therefor:

Payable only if child was maintained at appearance of disability, with certain exceptions.

"(3) No pension shall be paid to or in respect of a child unless the child was acknowledged and maintained by a member of the forces in respect of whom a pension is claimed at the time of the appearance of the injury or disease that caused the disability for which he is pensioned or that resulted in his death, except that a pension shall be paid to or in respect of a legitimate child born, and a child adopted by him, subsequent to the appearance of such injury or disease, but the pension for or in respect of such adopted child shall not be paid until a final adoption order or decree has been issued by a court of competent jurisdiction and may be paid as of a date not more than twelve months prior to the date of the issue of such decree or order."

(2) Subsection (7) of section 26 of the said Act is repealed and the following substituted therefor:

Children of deceased pensioner in classes 1 to 11.

"(7) The children of a pensioner who has died and at the time of his death was in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A, or who died while on the strength of the Department for treatment and but for his death would have been in receipt of pension in one of the said classes, are entitled to a pension as if he had died on service whether his death was attributable to his service or not."

(3) Subsection (9) of section 26 of the said Act is repealed and the following substituted therefor:

Pension continued of minor children on death of wife.

"(9) On and after the death of the wife of a pensioner pensioned on account of disability, or the dissolution of her marriage, the additional pension for a married member of the forces may, in the discretion of the Commission, be continued to him for so long as there is a minor child or are minor children of pensionable age, if there exists a daughter or other person competent to assume and who does assume the household duties and care of the said child or children."

(4) Subsection (10) of section 26 of the said Act is repealed and the following substituted therefor:

On death of widow.

"(10) On and after the death of a widow of a member of the forces who has been in receipt of a pension, the pension for the widow may, in the discretion of the Commission, be continued for so long as there is a minor child or there are minor children of pensionable age, to a daughter competent to assume and who does assume the household duties and care of the other child or children; in such cases the pension payable for children shall continue."

6. Section 27 of the said Act is repealed.

7. Subsection (1) of section 30 of the said Act is repealed and the following substituted therefor:

"30. (1) A member of the forces who is totally disabled and helpless, whether entitled to a pension of class one or a lower class, and who is, in addition, in need of attendance, is entitled, if he is not cared for under the jurisdiction of the Department of Veterans Affairs in a hospital, to an addition to his pension, subject to review from time to time, of an amount in the discretion of the Commission of not less than four hundred and eighty dollars per annum and not exceeding fourteen hundred dollars per annum."

Extra allowance for total disability where attendance required.

8. Subsection (3) of section 31 of the said Act is repealed and the following substituted therefor:

"(3) Notwithstanding any limitations contained in this section, the Commission may, in its discretion, make an additional award not exceeding an amount equivalent to an additional eighteen months' pension where, through delays in securing service or other records, or through other administrative difficulties, beyond the applicant's control, it is apparent that an injustice might otherwise ensue."

Additional award in certain cases.

9. Section 33 of the said Act is repealed and the following substituted therefor:

"33. (1) During such time as, under departmental regulations in that behalf, a pensioner is entitled to treatment allowance while an in-patient under treatment from the Department and his pension including the pension, if any, for his dependants, is greater than the treatment allowance awardable by the Department, pension shall be reduced by an amount that will make such pension equal to the treatment allowance.

Pension reduced during treatment.

(2) During such time as, under departmental regulations in that behalf, a pensioner is an in-patient under treatment in respect of a disability other than his pensionable disability, his pension, if in excess of the amount he would have been entitled to receive by way of treatment allowance, if the disability for which he is under treatment had been pensionable, shall be reduced to such amount; pending a fresh award, the payment of pension in full shall recommence forthwith upon the pensioner's ceasing to be an in-patient.

Pension in excess of treatment allowance to be reduced.

(3) Notwithstanding subsections (1) and (2), any addition to pension granted under subsection (1) of section 30 to a member of the forces who is blind shall be paid during the time he is an in-patient under treatment or care from the Department."

Blind pensioners.

10. Subsection (5) of section 34 of the said Act is repealed and the following substituted therefor:

Pension at
discretion of
Commission
in certain
cases.

“(5) If a member of the forces, in receipt of a disability pension, was, before the 1st day of May, 1954, living with a woman to whom he was not legally married and since that date such woman has continuously been maintained by him and represented by him as his wife, the Commission may, in its discretion, if the said member of the forces has married the said woman, award additional pension for a married member of the forces.”

11. Paragraph (a) of subsection (3) of section 36 of the said Act is repealed and the following substituted therefor:

Date of
entitlement.

“(a) in the case of service during World War I, if she was married to him prior to the 1st day of May, 1954, or if the marriage was contracted on or after that date additional pension on her behalf was awarded him under the provisions of subsection (5) of section 34, and

(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or

(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had at the date of such marriage a reasonable expectation of surviving for at least one year thereafter;

but if the marriage took place between the 30th day of April, 1951, and the 1st day of May, 1954, no payment shall be made for any period prior to the 1st day of May, 1954; and”

12. Paragraph (a) of subsection (1) of section 37 of the said Act is repealed and the following substituted therefor:

Widow's
entitlement.

“(a) in the case of service during World War I, if she was married to him prior to the 1st day of May, 1954, or if the marriage was contracted on or after that date additional pension on her behalf was awarded him under the provisions of subsection (5) of section 34, and

(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or

(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter;

but if the marriage took place between the 30th day of April, 1951, and the 1st day of May, 1954, no payment shall be made for any period prior to the 1st day of May, 1954; and”

13. Subsection (3) of section 42 of the said Act is repealed and the following substituted therefor:

"(3) Notwithstanding limitations contained in this section, the Commission may, in its discretion, make an additional award not exceeding an amount equivalent to an additional eighteen months' pension where, through delays in securing service or other records or through other administrative difficulties, beyond the applicant's control, it is apparent that an injustice might otherwise ensue; but no such payment may be made in respect of any member of the forces who has died for any period prior to the date of death."

Additional
award.

14. Section 43 of the said Act is repealed and the following substituted therefor:

"**43.** On the death of a pensioner who was at the time of his death in receipt of pension at the rate of fifty to one hundred per cent, in respect of whom additional pension for a dependant or dependants is payable pending consideration of a claim from such dependant or dependants for pension on account of such death, payment of an amount equal to pension for death shall be made to the dependant or dependants for a period not exceeding one month, such amount to be refunded if pension is eventually awarded."

Payments to
dependants
pending
consideration
of claim.

15. Subsection (1) of section 44 of the said Act is repealed and the following substituted therefor:

"**44.** (1) The pension of any female pensioner, except a pension awarded under paragraph (a) of subsection (1) of section 13, who is found to be a common prostitute or who openly lives with any man in the relationship of man and wife without being married to him shall be suspended, discontinued or cancelled."

Cancellation
of pension of
female
pensioners in
certain cases.

16. Section 53 of the said Act is amended by adding thereto the following subsection:

"(2) The benefits of sections 50 and 52 may be conferred upon persons who, although not domiciled in Canada, were on the date of commencement of World War I or World War II, as the case may be, minors resident in Canada and who are in all other respects qualified for the benefits of those sections."

Ss. 50 and 52
may be
extended to
minors.

17. Section 56 of the said Act is repealed and the following substituted therefor:

"**56.** Pensions payable to or in respect of members of Canadian naval or army forces who were killed, had died or were disabled on active service, during drill or training or on other military duty previous to the outbreak of World War I, shall, during the continuance of the residence in Canada of the recipients of such pensions, be paid at the rates set forth in Schedules A and B."

Increase of
certain
pensions
while
recipients
resident in
Canada.

18. Paragraphs (a) and (b) of subsection (1) of section 74 of the said Act are repealed and the following substituted therefor:

When certain pensions not payable in respect of children.

“(a) in respect of service during World War I, under Schedule A or Schedule B, to or in respect of any child of a member of the forces or pensioner if such child was born on or after the 1st day of May, 1954, of a marriage contracted on or after that date; or

In respect of wife.

(b) in respect of service during World War I, under Schedule A, to or in respect of the wife of a member of the forces or pensioner, if she was married to him on or after the 1st day of May, 1954, unless there is a minor child or there are minor children of the pensioner of pensionable age born of a previous marriage and the wife assumed the household duties and care of such child or children, in which case additional pension for a married member of the forces may, in the discretion of the Commission, be awarded or paid during the time such child or children are of pensionable age.”

Schedule B amended.

19. Schedule B to the said Act is amended by striking out the words “or the child of a widow in receipt of a pension under section eleven” where they occur in the fifth column thereof.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 63.

An Act to amend the Pipe Lines Act.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 211,
1953-54, c. 7.

1. Section 2 of the *Pipe Lines Act*, chapter 211 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsection:

“(4) For the purposes of this Act,
(a) a liquidator, receiver or manager of the property of a company, appointed by a court of competent jurisdiction to carry on the business of the company, and
(b) a trustee for the holders of bonds, debentures, debenture stock or other evidence of indebtedness of the company, issued under a trust deed or other instrument and secured on or against the property of the company, if the trustee is authorized by the trust deed or other instrument to carry on the business of the company,
shall be deemed to be a person having authority under a Special Act to construct or operate pipe lines for the transportation of oil or gas.”

Position of
liquidator,
trustee, etc.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2 - 3 ELIZABETH II.

CHAP. 64.

An Act to amend the Public Service Superannuation Act.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of the ^{1952-53, c. 47.} Senate and House of Commons of Canada, enacts as follows:

1. (1) The *Public Service Superannuation Act*, chapter 47 ^{Part I.} of the statutes of 1952-53, is amended by inserting therein, immediately after section 1 thereof, the following heading:

“PART I. SUPERANNUATION.”

(2) A reference to “this Act” in sections 2 to 38 of the said Act, and in Part IV of Schedule A thereto, shall be ^{References to Act.} construed as a reference to Part I of the said Act.

2. The said Act is further amended by adding thereto the following Part:

“PART II. SUPPLEMENTARY DEATH BENEFITS.

INTERPRETATION.

- 39.** (1) In this Part,
- (a) “basic benefit” with respect to a participant means ^{Definitions.} “Basic benefit.”
- (i) five thousand dollars, or
- (ii) the salary of the participant if it is a multiple of two hundred and fifty dollars or the nearest multiple of two hundred and fifty dollars above the salary of the participant if it is not a multiple of two hundred and fifty dollars,
- whichever is the lesser amount, subject to a reduction, to be made as of such time as the regulations prescribe,

of one-tenth of such lesser amount for every year in excess of sixty attained by the participant, except that in the case of a participant employed in the Public Service the basic benefit shall be not less than one-sixth of his salary if such one-sixth is a multiple of two hundred and fifty dollars or the nearest multiple of two hundred and fifty dollars above one-sixth of his salary if such one-sixth is not a multiple of two hundred and fifty dollars;

- “Benefit.” (b) “benefit” means the amount payable in respect of a participant under section 43;
- “Crown corporation.” (c) “Crown corporation” means a Crown corporation as defined in section 76 of the *Financial Administration Act*, except any such corporation specified in Part I of Schedule A to this Act;
- “Elective.” (d) “elective” as applied to a participant means that the participant comes within subparagraph (iv) of paragraph (e);
- “Participant.” (e) “participant” means
- (i) a person who is required by subsection (1) of section 4 to contribute to the Superannuation Account,
 - (ii) an employee of a Crown corporation who is required to contribute to the Superannuation Account in respect of current service or who, but for subsection (2) of section 4, would be required so to contribute,
 - (iii) a member of the regular forces, and
 - (iv) a person not coming within subparagraph (i), (ii) or (iii) who has made an election under section 40 or 41 and continues to contribute under this Part,
- but does not include an employee of a Crown corporation or public board excluded from the operation of this Part by the regulations;
- “Public board.” (f) “public board” means a board, commission or corporation specified in Schedule A and includes the Office of the Custodian of Enemy Property;
- “Public service participant.” (g) “public service participant” means a participant who is employed in the Public Service or who, having ceased to be so employed, continues to be a participant by virtue of an election made under section 40;
- “Regular forces participant.” (h) “regular forces participant” means a participant who is a member of the regular forces or who, having ceased to be such a member, continues to be a participant by virtue of an election made under section 41;
- “Salary.” (i) “salary” means
- (i) in the case of a participant employed in the Public Service, the compensation received for

the performance of the regular duties of his position or office in the Public Service,

- (ii) in the case of a participant who is a member of the regular forces, three thousand dollars per annum if his rank is lower than chief petty officer in the Royal Canadian Navy or warrant officer in the Canadian Army or Royal Canadian Air Force, and five thousand dollars per annum if his rank is chief petty officer or higher in the Royal Canadian Navy or warrant officer or higher in the Canadian Army or Royal Canadian Air Force,
- (iii) in the case of an elective public service participant, his salary in the Public Service at the time he ceased to be employed in the Public Service, and
- (iv) in the case of an elective regular forces participant, three thousand dollars per annum if his rank at the time he ceased to be a member of the regular forces was lower than chief petty officer in the Royal Canadian Navy or warrant officer in the Canadian Army or Royal Canadian Air Force, and five thousand dollars per annum if his rank at that time was chief petty officer or higher in the Royal Canadian Navy or warrant officer or higher in the Canadian Army or Royal Canadian Air Force; and

(j) other words and expressions have the same meaning as in Part I.

Other words and expressions.

(2) A participant who is employed by a Crown corporation shall for the purposes of this Part be deemed to be employed in the Public Service.

Crown corporation employees deemed to be in Public Service.
When woman deemed widow.

(3) Where in any circumstances a woman would be deemed to be or not to be the widow of a deceased contributor under Part I, a woman shall, in like circumstances, be deemed for the purposes of this Part to be or not to be the widow of a deceased participant.

(4) For the purposes of sections 40 and 41, in calculating the period during which a person has been employed in the Public Service (in this subsection called "public service") or has been a member of the regular forces (in this subsection called "military service"), public service shall be deemed to be military service and military service shall be deemed to be public service.

40. A person who ceases to be employed in the Public Service and at the time he ceases to be so employed is a public service participant who has been employed in the Public Service substantially without interruption for five or more years, may, within thirty days after that time, elect to continue to be a participant under this Part.

Election to continue as participant.

Idem.

41. A person who ceases to be a member of the regular forces and at the time he ceases to be such a member is a regular forces participant who has been a member of the regular forces substantially without interruption for five years or more, may, within thirty days after that time, elect to continue to be a participant under this Part.

CONTRIBUTIONS.

Amount of contribution.

42. Every participant shall contribute to the Consolidated Revenue Fund at the rate of ten cents per month for every two hundred and fifty dollars in the amount of his basic benefit, or, in the case of elective participants and participants who are absent from duty, such contributions as the regulations prescribe.

BENEFITS.

Payment of benefit.

43. (1) On the death of a participant there shall be paid to the persons and in the manner specified in this Part, the amount of the basic benefit of the participant with respect to which the last contribution payable under this Part by the participant was calculated.

"Last contribution" defined for certain cases.

(2) Where, in the case of a participant who at the time of death was employed in the Public Service, salary is not paid for the full month in which he died, the last contribution shall be for that full month and shall be deemed to have become payable immediately before death.

To whom benefits paid.

44. (1) Benefits shall be paid as follows:

- (a) if the participant died leaving a spouse, to the spouse; or
- (b) if the participant died leaving no spouse, to the estate of the participant.

How benefits paid.

(2) Subject to any regulations made under paragraph (f) of subsection (1) of section 50, a benefit shall be paid in a lump sum.

Account in Consolidated Revenue Fund.
Credits to Account.

45. (1) There shall be an account in the Consolidated Revenue Fund to be known as the Public Service Death Benefit Account to which shall be credited the following:

- (a) the amount of all contributions paid under section 42 by public service participants;
- (b) the payments made by a Crown corporation or public board as required by the regulations;
- (c) one-sixth of the benefits paid in respect of participants who, at the time of death, were employed in the Public Service;

(d) one-sixth of the benefits paid in respect of elective public service participants to whom an immediate annuity was payable under Part I upon their ceasing to be employed in the Public Service; and

(e) an amount representing interest on the balance from time to time to the credit of the said Account at such rate and calculated in such manner as the regulations prescribe.

(2) There shall be an account in the Consolidated Revenue Fund to be known as the Regular Forces Death Benefit Account to which shall be credited the following: Idem.

(a) the amount of all contributions paid under section 42 by regular forces participants;

(b) one-sixth of the benefits paid in respect of participants who, at the time of death, were members of the regular forces;

(c) one-sixth of the benefits paid in respect of elective regular forces participants to whom a pension was payable under the *Defence Services Pension Act* upon their retirement from the regular forces; and

(d) an amount representing interest on the balance from time to time to the credit of the said Account at such rate and calculated in such manner as the regulations prescribe.

(3) Benefits shall be paid out of the Consolidated Revenue Fund and shall be charged as follows: How
benefits to be
charged.

(a) the benefits paid in respect of public service participants shall be charged against the Public Service Death Benefit Account; and

(b) the benefits paid in respect of regular forces participants shall be charged against the Regular Forces Death Benefit Account.

GENERAL.

46. (1) There shall be issued to elective participants a document in such form as the regulations prescribe as evidence that they are participants under this Part. Elective
participants.

(2) An elective participant ceases to be a participant if any contribution payable by him under this Part is not paid within thirty days after the due date thereof. Idem.

47. Benefits are not capable of being assigned, charged, attached, anticipated or given as security and any transaction purporting to assign, charge, attach, anticipate or give as security any benefit is void. Benefits not
assignable,
etc.

48. The Minister shall lay before Parliament at least once in every five years an actuarial report on the state of the Accounts established by this Part containing an estimate Actuarial
report.

of the extent to which the amounts standing to the credit of the Accounts and the contributions payable under this Part are sufficient to meet the benefits chargeable against the Accounts.

Annual
report.

49. The Minister shall lay before Parliament each year a report on the administration of this Part during the preceding fiscal year, including a statement showing the amounts that during such year were credited to or charged against each Account established by this Part.

Regulations.

50. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Part into effect and, without restricting the generality of the foregoing, may make regulations

- (a) prescribing the times as of which the reductions referred to in paragraph (a) of subsection (1) of section 39 shall be made;
- (b) excluding any Crown corporation or public board from the operation of this Part;
- (c) prescribing the manner and time of payment of contributions;
- (d) prescribing the contributions to be made by elective participants and participants who are absent from duty and prescribing the conditions upon which participants who are absent from duty may continue to be participants;
- (e) respecting the manner and time of proof of age and of death;
- (f) authorizing payment, with the approval of the Treasury Board, out of any benefit payable to the estate of a deceased participant, of expenses incurred for the maintenance, medical care or burial of the participant;
- (g) prescribing the rate of interest and the manner of calculating the interest to be credited to the Accounts established by this Part;
- (h) prescribing the amount, time and manner of payments to be made by Crown corporations and public boards in respect of participants who are employed by such corporations or boards;
- (i) prescribing the circumstances in which a deceased female participant who, in the opinion of the Treasury Board, was at the time of her death living apart from her husband by reason of his desertion, shall, for the purpose of this Part, be deemed to have died leaving no spouse; and
- (j) prescribing forms for the purposes of this Part.

Application
of s. 30.

(2) Paragraphs (l), (m), (n), (o) and (p) of subsection (1) of section 30 are, *mutatis mutandis*, applicable to this Part.

51. (1) Section 56 of the *Civil Service Act* does not apply to a participant. *Civil Service Act.*

(2) No contract of insurance shall be entered into under the *Civil Service Insurance Act* on the life of any person unless *Civil Service Insurance Act.*

(a) a medical examiner or a medical referee has in accordance with the regulations under that Act recommended without qualification the acceptance of the risk, and

(b) the medical report on the application for the contract of insurance was based on a medical examination begun prior to the 1st day of May, 1954.

52. (1) Notwithstanding anything in this Part, the expression "participant" does not include *Ineligibility.*

(a) a person employed in the Public Service on the 1st day of July, 1954, or

(b) a person who is a member of the regular forces on the 1st day of July, 1954,

if that person, on or before the 1st day of November, 1954, in such manner and form as the regulations prescribe, has elected not to come under the provisions of this Part.

(2) An election made under this section is irrevocable.

Election irrevocable.

53. (1) Except as provided in subsection (2), this Part shall come into force *Coming into force.*

(a) with respect to public service participants, and

(b) with respect to regular forces participants, on a day or days to be fixed by proclamation of the Governor in Council.

(2) This section and sections 50 and 52 shall come into force on the day that *An Act to amend the Public Service Superannuation Act*, enacted at the first session of the twenty-second Parliament, was assented to. *Idem.*

2 - 3 ELIZABETH II.

CHAP. 65.

An Act respecting Benefits for Members of the Canadian Forces.

[Assented to 26th June, 1954.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Veterans Benefit Act*, Short title. 1954.

INTERPRETATION.

2. In this Act,

- | | |
|--|---------------------------------------|
| (a) "Canadian Forces" means the forces referred to in section 15 of the <i>National Defence Act</i> ; | Definitions.
"Canadian Forces." |
| (b) "Minister" means the Minister of Veterans Affairs; | "Minister." |
| (c) "service in a theatre of operations" means any service of a member of the Canadian Forces from the time of his departure at any time prior to July 27, 1953 from Canada or the United States of America, including Alaska, to participate in military operations undertaken by the United Nations to restore peace in the Republic of Korea, until | "Service in a theatre of operations." |
| (i) he next returns to Canada or the United States of America, including Alaska; | |
| (ii) he is next posted to a unit that is not participating in such operations; | |
| (iii) the unit with which he is serving, having ceased to participate in such operations, arrives at the place to which it has been next assigned; or | |
| (iv) October 31st, 1953; | |
| whichever is the earliest; | |
| (d) "special force" means the Royal Canadian Navy Special Force, Canadian Army Special Force and the | "Special force." |

Royal Canadian Air Force Special Force, as constituted from time to time by the Minister of National Defence; and

"Unit."

(e) "unit" means a unit or other element of the Canadian Forces organized by or under the authority of the Minister of National Defence.

WAR SERVICE GRANTS ACT.

Application
of R.S., c. 289.

3. (1) The *War Service Grants Act* applies to members of the Canadian Forces described in paragraphs (a), (b) and (c) of subsection (2) as specified in this section.

"Member of
the forces."

(2) The expressions "member" and "member of the forces", as defined in paragraph (j) of section 2 of the said Act, include

(a) every person who was enrolled for the purpose of serving in the special force and who has been on service in a theatre of operations;

(b) every officer or man of the reserve forces who has been on service in a theatre of operations on the strength of the special force; and

(c) every member of the regular forces who has been on service in a theatre of operations on the strength of the special force.

"Discharge."

(3) The expression "discharge", as defined in paragraph (e) of section 2 of the said Act, means, in the case of a person described in paragraph (a) of subsection (2) of this section, honourable termination of his service in the special force otherwise than by reason of engagement in the regular forces, and in the case of a person described in paragraph (b) or (c) of subsection (2) of this section means,

(a) honourable termination of his service in or with the regular forces, including, in the case of an officer or man of the reserve forces, return to reserve status; and

(b) in any case where his service in or with the regular forces has not been terminated,

(i) if his service in a theatre of operations has been honourably terminated and immediate leave has been granted to him, the reporting by him to a unit on the expiration of such leave,

(ii) if his service in a theatre of operations has been honourably terminated without immediate leave having been granted to him, the commencement by him, pursuant to orders, of further duty in a unit other than a unit of the special force, and

(iii) if he has been evacuated on medical grounds from a theatre of operations for the purpose of further medical treatment, his admission to a hospital in Canada.

(4) The expression "pay and allowances", as defined in paragraph (n) of section 2 of the said Act, means the following pay and allowances prescribed by the regulations under section 36 of the *National Defence Act*: "Pay and allowances."

- (a) pay of rank, including group pay and progressive pay;
- (b) if marriage allowance is being paid, marriage allowance and separated family's allowance at the rates applicable to an officer or man in receipt of subsistence allowance and not occupying married quarters; and
- (c) subsistence allowance, whether or not it is being paid to the officer or man concerned, at the rates applicable in Canada.

(5) The expression "service", as defined in paragraph (p) of section 2 of the said Act, means time served in the Canadian Forces. "Service."

(6) For the purposes of this section, subsections (1) and (2) of section 3 of the said Act are deemed to read as follows: Ss. (1) and (2) of s. 3 of R.S., c. 239.

"3. (1) Subject to the provisions of this Act, every member of the forces is, upon discharge, entitled to be paid a war service gratuity at the rate of fifty cents a day for each day of paid service in a theatre of operations. Gratuity payable to member of the forces.

"(2) In addition to the amount mentioned in subsection (1), every member of the forces is, upon discharge, entitled to be paid for each period of one hundred and eighty-three days of paid service in a theatre of operations, and proportionately for any less period, an amount equal to seven days' pay and allowances at the rate payable to or in respect of such member at the termination of his last such period of service preceding discharge." Supplemental gratuity.

(7) For the purposes of this section, subsection (1) of section 5 of the said Act is deemed to read as follows: Ss. (1) of s. 5 of R.S., c. 239.

"5. (1) Where a member of the forces dies while on service or after discharge but before he has been paid his gratuity in full, payment of the gratuity or the unpaid balance thereof shall be made to Payment of gratuity in case of death of member.

- (a) any person to or on behalf of whom marriage allowance was payable immediately prior to such member's death or discharge;
- (b) any person who, in the opinion of the Minister, was eligible to be paid such marriage allowance immediately prior to such member's death or discharge;
- (c) any person on whose behalf, in the opinion of the Minister, marriage allowance would have been payable immediately prior to such member's death or discharge, had not such person been a member of the forces; or
- (d) any person who, in the opinion of the Minister, was wholly or substantially dependent upon such member at the time of such member's death;

and where there is no person to whom payment may be made under paragraph (a), (b), (c) or (d), the gratuity

shall form part of the deceased member's service estate or, at the option of the Minister, shall be paid to such person as the Minister directs."

VETERANS REHABILITATION ACT.

Application
of R.S., c. 281.

4. (1) The *Veterans Rehabilitation Act*, except sections 4 and 5 thereof, applies to members of the Canadian Forces described in paragraphs (a), (b), (c) and (d) of subsection (2), and their dependants, as specified in this section.

"Veteran."

(2) The expression "veteran", as defined in paragraph (m) of section 2 of the said Act, includes

(a) every person who was enrolled for the purpose of serving in the special force, who has been on service in a theatre of operations and who has been honourably discharged from such force;

(b) every officer or man of the reserve forces who has been on service in a theatre of operations on the strength of the special force and whose service with the regular forces has been honourably terminated, and for the purposes of that Act such termination is deemed to be a discharge;

(c) every member of the regular forces who, prior to the 27th day of July, 1953, served in a theatre of operations on the strength of the special force, and who has been honourably discharged from the regular forces; and

(d) every person who is in receipt of a pension under the *Pension Act*, having become eligible for such pension by virtue of section 5 of *The Veterans Benefit Act, 1951* or by virtue of section 5 of this Act.

"Period of
service."

(3) The expression "period of service", as defined in paragraph (i) of section 2 of the said Act, means

(a) in the case of a person described in paragraph (a) of subsection (2) of this section, the period of his service in the Canadian Forces, prior to the 1st day of November, 1953, under the terms of his enrolment for service in the special force;

(b) in the case of a person described in paragraph (b) of subsection (2) of this section, the period of his service with the regular forces on or after the 5th day of July, 1950 and prior to the 1st day of November, 1953, except that for the purpose of computing benefits under that Act, such period is deemed not to exceed eighteen months unless he has served on the strength of the special force in a theatre of operations for a longer period;

(c) in the case of a person described in paragraph (c) of subsection (2) of this section, the period of his service on the strength of the special force, prior to the 1st day of November, 1953; and

(d) in the case of a person described in paragraph (d) of subsection (2) of this section, the total of any or all kinds of service described in paragraphs (a), (b) and (c) of this subsection;

but does not include any period of absence without leave or leave of absence without pay, or time served while undergoing sentence of imprisonment or detention, or any period of service in respect of which pay is forfeited.

(4) For the purposes of this section, subsections (3) and (4) of section 7 of the said Act are deemed to read as follows: Ss. (3) and (4) of s. 7 of R.S., c. 281.

“(3) Except as hereinafter otherwise provided, no allowance may be paid under this section unless application therefor is made by the veteran within twelve months from the 31st day of October, 1953, or from the date of his discharge, whichever is the later. Time within which application to be made.

(4) Where a veteran has been a patient in or receiving any treatment from a hospital or health institution or has been delayed in entering business by reason of licensing or rationing laws or by reason of scarcity of the commodities or equipment required by him, he is entitled to such additional time for applying for benefits under this section as is necessary under those circumstances.” Additional time for applying in certain cases.

(5) For the purposes of this section, subsection (2) of section 8 of the said Act is deemed to read as follows: Ss. (2) of s. 8 of R.S., c. 281.

“(2) No allowance may be paid under this section unless application therefor is made by the veteran within twelve months from the 31st day of October, 1953, or from the date of his discharge, whichever is the later, but where a veteran has been a patient in or receiving any treatment from a hospital or health institution during any period within the said twelve months, the time during which he may make application is extended by such period.” Time within which application to be made.

(6) For the purposes of this section, section 26 of the said Act is deemed to read as follows: S. 26 of R.S., c. 281.

“26. A person who is an officer or man in any of the regular forces and who has been on service in or on the strength of the special force is deemed for the purposes of this Act to have been discharged from the regular forces on the 31st day of October, 1956.” Persons deemed to have been discharged as of October 31, 1956.

PENSION ACT.

5. (1) Subject to subsection (2), the *Pension Act* applies to and in respect of Application of R.S., c. 207.

(a) every person who was enrolled for the purpose of serving in the special force, in respect of his service in the Canadian Forces under the terms of such enrolment, and

(b) every officer and man of the regular forces or reserve forces, in respect of his service in a theatre of operations on the strength of the special force, as though such service were military service rendered during World War II within the meaning of that Act and as though the service described in paragraph (v) of section 2 of that Act included service in a theatre of operations on the strength of the special force.

Saving provision.

(2) Subsection (2) of section 13 of the said Act does not apply to or in respect of any death or disability for which a pension is payable by virtue of subsection (1) of this section.

VETERANS' LAND ACT.

Application of R.S., c. 280.

6. (1) The *Veterans' Land Act* applies to members of the Canadian Forces included under subsection (2) in the expression "veteran" therein referred to.

"Veteran."

(2) The expression "veteran", as defined in paragraph (d) of section 2 of the said Act, includes every person described in paragraphs (a), (b), (c) and (d) of subsection (2) of section 4 of this Act.

Persons qualified to participate.

(3) Where any contract has been entered into under section 10, subsection (9) of section 11, or section 23 of the said Act, or any grant has been made under section 38 or 39 of the said Act, with or to any person described in paragraph (a), (b), (c) or (d) of subsection (2) of section 4 of this Act in respect of his service during the war declared by His Majesty on the 10th day of September, 1939, and the contract or the agreement relating to the grant is rescinded or otherwise terminated prior to his discharge referred to in subsection (2) of section 4 of this Act and,

(a) in the case of the contract, prior to the expiration of the ten year period referred to in subsection (4) of section 10 of the said Act, or

(b) in the case of the agreement relating to the grant, prior to the expiration of the period after which, under the agreement, he is not required to repay the grant,

such person is qualified to participate in the benefits of the said Act if he pays to The Director, The Veterans' Land Act, the amount of any loss sustained by the Crown by reason of such contract or grant, as determined by the Minister.

Persons not qualified to receive additional benefits.

(4) Except as provided in subsection (3), no person described in paragraph (a), (b), (c) or (d) of subsection (2) of section 4 of this Act who has entered into a contract with the Director under section 10, subsection (9) of section 11, or section 23 of the said Act or has received any grant under section 38 or 39 of the said Act is qualified to receive any additional benefits under that Act by virtue of this section.

VETERANS INSURANCE ACT.

7. (1) The *Veterans Insurance Act* applies to members of the Canadian Forces described in paragraphs (a), (b), (c) and (d) of subsection (2), and their dependants, as specified in this section. Application of R.S., c. 279.

(2) The expression "veteran", as defined in paragraph (k) of subsection (1) of section 2 of the said Act, includes "Veteran."

(a) every person who was enrolled for the purpose of serving in the special force, who has been on service in a theatre of operations and who has been discharged from such force;

(b) every officer or man of the reserve forces who has been on service in a theatre of operations on the strength of the special force, and whose service with the regular forces has been terminated;

(c) every member of the regular forces who has been on service in a theatre of operations on the strength of the special force and who has been discharged from the regular forces; and

(d) every person described in paragraph (d) of subsection (2) of section 4 of this Act.

(3) The expression "discharge from service", as defined in paragraph (d) of subsection (1) of section 2 of the said Act, means, in the case of a person described in paragraph (b) of subsection (2) of this section, termination of his service with the regular forces. "Discharge from service."

(4) For the purposes of this section, subparagraph (iii) of paragraph (b) of subsection (1) of section 3 of the said Act is deemed to read as follows: Subpara. (iii) of para. (b) of ss. (1) of s. 3 of R.S., c. 279.

"(iii) a person who is a member of the regular forces and has been on service in a theatre of operations on the strength of the special force,"

(5) Where any person described in paragraph (a), (b), (c) or (d) of subsection (2) of this section or subsection (4) of this section who is eligible for insurance under the *Veterans Insurance Act* by virtue of this section dies without having obtained any contract of insurance thereunder, the Minister may enter into a contract of insurance under that Act with the widow of such person at any time prior to the expiration of the period during which such person, had he lived, would have been eligible for a contract of insurance under that Act. Minister may enter into contract with widow.

(6) Where any person who served in a theatre of operations on the strength of the special force has died prior to the coming into force of this Act and prior to the termination of his service with the special force or the regular forces, the Minister may enter into a contract of insurance under the *Veterans Insurance Act* with the widow of such person as though that person had died subsequently to the coming Idem.

into force of this Act and as though he had been discharged from the said force or forces or his service therewith had been terminated immediately prior to his death.

Time limit.

(7) No contract of insurance may be entered into by the Minister under the said Act with any person described in paragraph (a), (b), (c) or (d) of subsection (2) of this section or subsection (4) of this section after the 31st day of October, 1958.

REINSTATEMENT IN CIVIL EMPLOYMENT ACT.

Application of
R.S., c. 236.

8. (1) The *Reinstatement in Civil Employment Act* applies to and in respect of

- (a) every person who was enrolled for the purpose of serving in the special force;
- (b) every officer or man of the reserve forces who served on the strength of the special force;
- (c) every person who since the 5th day of July, 1950, was enrolled or, being a member of the special force, has re-engaged for service with the regular forces and has served with the regular forces for a period not exceeding three years;
- (d) every officer or man of the reserve forces who since the 5th day of July, 1950, was called out for service with the regular forces and has served with the regular forces for a period not exceeding three years; and
- (e) every person who, since the 5th day of July, 1950,
 - (i) was enrolled, or
 - (ii) being a member of the special force, has re-engaged, or
 - (iii) being an officer or man of the reserve forces, was called out

for service with the regular forces, and whose term of engagement with the regular forces did not exceed three years but who remained in the service for more than three years by reason of delay in obtaining his discharge or by reason of the operation of subsection (3) of section 31 of the *National Defence Act*, and whose service with the regular forces has been terminated, as though his service on the strength of the special force, in the case of a person described in paragraph (a) or (b) of this subsection, and as though his service with the regular forces, in the case of a person described in paragraph (c), (d) or (e) of this subsection, were "service in His Majesty's forces" within the meaning of paragraph (i) of section 2 of that Act.

"Discharge"
and
"termination
of service."

(2) The expressions "discharge" and "termination of service" as used in that Act mean,

- (a) in the case of a person described in paragraph (a) of subsection (1), termination, by way of re-engagement or otherwise, of his service in the Canadian Forces under the terms of his enrolment for service in the special force;
- (b) in the case of a person described in paragraph (b) of subsection (1), termination, by way of return to reserve status or otherwise, of his service with the regular forces within one year from the date on which he ceased to serve on the strength of the special force; and
- (c) in the case of a person described in paragraph (c), (d) or (e) of subsection (1), termination of his service with the regular forces.

VETERANS' BUSINESS AND PROFESSIONAL LOANS ACT.

9. (1) The *Veterans' Business and Professional Loans Act* applies to members of the Canadian Forces included under subsection (2) in the expression "veteran" therein referred to. Application of R.S., c. 278.

(2) The expression "veteran", as defined in paragraph (k) of section 2 of the said Act, includes every person described in paragraphs (a), (b), (c) and (d) of subsection (2) of section 4 of this Act who is a resident of Canada and is domiciled in Canada and has received or is entitled to a gratuity under the *War Service Grants Act* by virtue of section 7 of the regulations under *The Veterans Benefit Act, 1951* or by virtue of section 3 of this Act, and "Veteran."

- (a) has not elected to take any of the benefits available to him under the *Veterans' Land Act* by virtue of section 6 of the regulations under *The Veterans Benefit Act, 1951* or by virtue of section 6 of this Act, or
- (b) having so elected, has received no such benefit or has repaid to The Director, The Veterans' Land Act, the amount by which any benefit received by him under the *Veterans' Land Act*, as determined under section 13 of the *War Service Grants Act*, exceeds the amount of his re-establishment credit under that Act.

CIVIL SERVICE ACT.

10. (1) Sections 27, 28 and 29 of the *Civil Service Act* apply to every person who Application of R.S., c. 48.

- (a) has served in or on the strength of the special force and, at the commencement of such service, was domiciled in Canada or was a Canadian citizen;
- (b) has served in a theatre of operations; and

(c) has not, by reason of misconduct, ceased so to serve; as though that person were a veteran within the meaning of that Act.

Idem.

(2) Paragraph (a) of subsection (2) of section 28 and section 29 of the said Act apply to every person who

(a) is in receipt of a pension under the *Pension Act*, having become eligible for such pension by virtue of section 5 of *The Veterans Benefit Act, 1951*, or by virtue of section 5 of this Act;

(b) at the commencement of his service in or on the strength of the special force, was domiciled in Canada or was a Canadian citizen;

(c) has, from causes attributable to his service in or on the strength of the special force, lost the capacity for physical exertion to such an extent as to render him unfit efficiently to pursue the vocation that he was pursuing before such service; and

(d) has not been successfully re-established in some other vocation.

PUBLIC SERVICE SUPERANNUATION ACT.

Application of
1952-53, c. 47.

11. (1) The *Public Service Superannuation Act* applies, in such manner and to such extent as the Governor in Council may prescribe, to and in respect of every person who was enrolled for the purpose of serving in the special force, and every officer and man of the regular forces or the reserve forces who served on the strength of the special force, as though his service on the strength of the special force were active service in the forces during World War II within the meaning of that Act.

Coming
into force.

(2) This section shall be deemed to have come into force on the day on which the *Public Service Superannuation Act* came into force.

UNEMPLOYMENT INSURANCE ACT.

Application of
Part V of
R.S., c. 273.

12. (1) Part V of the *Unemployment Insurance Act*, except sections 102, 105 and 106 thereof, applies to members of the Canadian Forces described in paragraphs (a) to (d) of subsection (2) as specified in this section.

"Veteran."

(2) The expression "veteran", as defined in paragraph (c) of section 101 of the said Act, includes

(a) every person who was enrolled for the purpose of serving in the special force and who has been discharged from such force for any reason other than re-engagement with the regular forces;

(b) every officer or man of the reserve forces who has served on the strength of the special force and whose service with the regular forces has been terminated;

(c) every person who was a member of the regular forces on and immediately prior to the 5th day of July, 1950, and thereafter without any interruption in service as such member, was on service in a theatre of operations on the strength of the special force and was discharged from the regular forces within three years from the date he ceased to serve on the strength of the special force; and

(d) every person who, since the 5th day of July, 1950,

(i) was enrolled, or

(ii) being a member of the special force, has re-engaged, or

(iii) being an officer or man of the reserve forces, was called out

for service with the regular forces, and who has served with the regular forces for a period not exceeding three years (or whose term of engagement with the regular forces did not exceed three years but who remained in the service for more than three years by reason of delay in obtaining his discharge or by reason of the operation of subsection (3) of section 31 of the *National Defence Act*), and whose service with the regular forces has been terminated,

and, in the case of a person described in paragraph (b) or (d) of this subsection, such termination of service with the regular forces is deemed for the purposes of the *Unemployment Insurance Act* to be a discharge.

(3) The expression "period of service", as defined in paragraph (b) of section 101 of the said Act, means, "Period of service."

(a) in the case of a person described in paragraph (a) of subsection (2) of this section, the period of his service in the special force;

(b) in the case of a person described in paragraph (b) or (c) of subsection (2) of this section, the period of his service in a theatre of operations on the strength of the special force; and

(c) in the case of a person described in paragraph (d) of subsection (2) of this section, the period of his service in the special force, together with the period of his service in the regular forces during the term for which he was enrolled or called out or for which he re-engaged, as the case may be,

but does not include any period of absence without leave or leave of absence without pay, or time served while undergoing sentence of imprisonment or detention, or any period of service in respect of which pay is forfeited.

(4) Section 103 of the said Act applies to every person described in paragraphs (a) to (d) of subsection (2) of this section in the following manner, namely, upon the discharge of any such person there shall be credited to the Application of s. 103 of R.S., c. 273.

Fund out of moneys appropriated by Parliament for the purpose, the amount of the combined contributions of the employer and employed person under that Act at the combined weekly rate of ninety-six cents for a period equal to the period of service of such person up to a maximum period of

(a) five years, in the case of a person described in paragraph (a) or subparagraph (ii) of paragraph (d) of subsection (2) of this section; or

(b) three years, in any other case;

and for the purposes of that Act, except section 102 thereof, such person is deemed to have been *bona fide* employed in insurable employment during the said period of service and all contributions are deemed to have been paid under that Act in respect of such person during the said period of service, but where the period of service of such person exceeds ninety-one days and such combined contributions, when added to any contribution made with respect to him prior to such period of service, provide less than ninety days' benefit upon discharge, there shall be credited to the Fund for such purpose contributions in an amount sufficient to provide ninety days' benefit for such person upon his discharge.

Existing
rights
preserved.

13. Nothing in this Act shall be held to prejudice any right, benefit or privilege that any person had, under any of the enactments to which this Act applies, prior to the coming into force of this Act.

Repeal.

14. *The Veterans Benefit Act, 1951*, chapter 62 of the statutes of 1951, is repealed.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 66.

An Act to amend the Veterans' Land Act.

[Assented to 26th June, 1954]

HER Majesty, by and with the advice and consent of the R.S., c. 280.
Senate and House of Commons of Canada, enacts as follows:

1. The *Veterans' Land Act*, chapter 280 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after section 5 thereof, the following heading:

"PART I.

LAND SETTLEMENT ASSISTANCE."

2. Section 9 of the said Act is repealed and the following substituted therefor:

"9. The Director shall, for the purposes of this Act, determine the cost to the Director of the land and improvements thereon, building materials, livestock and farm equipment to be sold to a veteran under this Act, which shall be not less than the amount actually expended by the Director therefor."

Determina-
tion of cost to
Director.

3. (1) Subsection (2) of section 10 of the said Act is repealed and the following substituted therefor:

"(2) In this Act, except in subsection (3) of this section, the expression "livestock and farm equipment", in the case of a veteran certified by the Director to be a commercial fisherman, includes commercial fishing equipment."

Commercial
fishing
equipment.

(2) Paragraph (g) of subsection (3) of the said section 10 is repealed and the following substituted therefor:

"(g) that livestock and farm equipment shall be sold under this subsection only to a veteran who at the time of such sale enters into a contract under this subsection or has a subsisting contract under this subsection for

the purchase of land from the Director or who occupies land under a rental or purchase agreement satisfactory to the Director, and the cost to the Director of such livestock and equipment shall not exceed forty per cent of

- (i) the cost to the Director of the land, improvements and building materials sold to the veteran, and
- (ii) the value of any land occupied by that veteran under a rental or purchase agreement as estimated by the Director."

(3) The said section 10 is further amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Assignment.

"(4a) Notwithstanding subsection (4), at any time after the expiration of the ten year period referred to in subsection (4), a veteran who has complied with the terms of his agreement for that period and is not otherwise in default thereunder may, with the consent of the Director, assign the agreement to any person; and, notwithstanding anything in this Act or the agreement, the interest payable by any assignee of any such agreement from and after the date of the assignment on any remaining indebtedness to the Director under that agreement shall be at the rate of five per cent per annum."

4. (1) Paragraph (b) of subsection (8) of section 11 of the said Act is repealed and the following substituted therefor:

"Proceeds "

"(b) "proceeds" in the case of a contract for the sale of land, improvements or building materials to a veteran certified by the Director to be qualified to participate in the benefits of this Act, means an amount equal to the cost to the Director of such land, improvements or building materials determined for the purposes of such contract under section 9 plus any amount, other than the ten per cent of such cost, paid by the veteran under paragraph (b) of subsection (1) or paragraph (c) of subsection (3) of section 10; in the case of a contract for the sale of livestock or farm equipment to such a veteran, means an amount equal to the amount that the veteran would be required to pay under subsection (4) of section 10 for an immediate transfer thereof; in the case of a sale or other disposition of property except timber to any other person means the amount received; and in the case of a sale of timber to any person means the stumpage value of that timber, as determined by the Director;"

(2) The said section 11 is further amended by adding thereto the following subsection:

Sale of
timber.

"(12) Notwithstanding anything in this section, the Director may pay to a veteran, in the event of any sale of

timber from land sold to that veteran under a contract entered into under this Act, any amount by which the amount for which the timber was sold exceeds the stumpage value of that timber as determined by the Director."

5. Section 15 of the said Act is amended by adding thereto the following subsection:

"(2) Where any land subject to a first mortgage or hypothec in favour of the Director as described in subsection (1) is sold or agreed to be sold by a veteran, notwithstanding anything in this Act or the mortgage or hypothec the interest payable from and after the date of such sale or agreement of sale on any remaining indebtedness to the Director under the mortgage or hypothec or under any other mortgage or hypothec taken to secure repayment of the amount then outstanding of any advance made under subsection (1) shall be at the rate of five per cent per annum."

Sale of
land subject
to mortgage.

6. Section 18 of the said Act is repealed and the following substituted therefor:

"**18.** (1) There shall be one or more provincial advisory boards in each province appointed by the Governor in Council, each Board being comprised of three members; the chairman shall be a judge of a county or district court of the province in which such board operates, or in the Province of Quebec a judge of sessions of the peace, and one member shall be nominated by the Canadian Legion.

Provincial
advisory
boards.

(2) The Director, before taking any action or proceedings under subsection (1) of section 19, shall, upon due notice to the veteran concerned, refer the question of rescission in any case to the appropriate advisory board in the province in which the land concerned is situated, for its consent as to whether the default in performance of the agreement warrants the Director in exercising the powers given him under the said subsection or as to the remedial conditions to be fulfilled by the veteran, in default of compliance with which rescission of the agreement may ensue."

Director to
refer question
of rescission
to board.

7. Subsection (2) of section 19 of the said Act is repealed and the following substituted therefor:

"(2) The Director may with the consent of the veteran and without giving the notice required by subsection (4) rescind or otherwise terminate any contract made with the veteran under this Act."

Termination
with consent
of veteran.

8. (1) Subsection (1) of section 21 of the said Act is repealed and the following substituted therefor:

"**21.** (1) Where a contract made by the Director with a veteran under this Act is rescinded or otherwise terminated and the property to which the contract relates is sold by the

Surplus to
be paid to
veterans.

Director for more than the amount owing under the contract, the surplus shall be paid by the Director to the veteran, but in the case of any such sale on a term basis under an agreement of sale, the surplus shall be paid by the Director to the veteran at such time as the Director determines such payment to be warranted having regard to the amount then owing to him in respect of that property."

(2) Paragraph (a) of subsection (2) of the said section 21 is repealed and the following substituted therefor:

"(a) the amount that the veteran would have been required to pay for a transfer, conveyance or discharge of mortgage or hypothec at the date of the rescission or other termination of the contract;"

(3) The said section 21 is further amended by adding thereto the following subsection:

"(4) In the event of any sale by the Director, pursuant to an agreement entered into by him with a veteran for the making of a grant under subsection (3) of section 38, of any livestock, machinery or equipment referred to in paragraphs (c) to (g) of subsection (4) of that section, any amount by which the amount realized by the Director in respect of that sale exceeds

(a) the cost to the Director of the livestock, machinery or equipment, and

(b) any loss sustained by the Director in respect of the land to which that agreement relates, shall be paid by the Director to the veteran."

Sale of
livestock.
etc.

9. Section 33 of the said Act is repealed and the following substituted therefor:

Affidavits,
oaths and
declarations.

"33. Affidavits, oaths, statutory declarations or solemn affirmations required to be taken or made for the purposes of this Act, may be taken or made before the judge or clerk of any court, any justice of the peace, commissioner for taking affidavits, notary public, or any person specially authorized by the Minister to take or administer the same."

10. The said Act is further amended by adding thereto, immediately after section 44 thereof, the following headings and Parts:

"PART II.

HOME CONSTRUCTION ASSISTANCE.

INTERPRETATION.

"45. In this Part,

(a) "approved lender" means any lender approved by the Governor in Council for the purpose of making loans under the *National Housing Act, 1954*;

Definitions.
"Approved
lender."

- (b) "Corporation" means the Central Mortgage and Housing Corporation established by the *Central Mortgage and Housing Corporation Act*; "Corporation."
- (c) "cost to the Director" means, in relation to land, the cost to the Director of the land including any improvements made by the Director in connection therewith, and, in relation to any dwelling, the amount payable by the Director to a veteran under any contract entered into under section 48, less "Cost to the Director."
- (i) any amount by which the amount paid by the veteran to the Director under subsection (2) of section 47 in respect of the land to which that contract relates exceeds the cost to the Director of that land,
- (ii) any amount paid by the veteran to the Director under subsection (3) of section 47, and
- (iii) any amount paid by the veteran to the Director under subsection (2) of section 48;
- (d) "eligible veteran" means any person eligible under section 46 to participate in the benefits of this Part; "Eligible veteran."
- (e) "improvements" includes works and undertakings in connection with drainage, clearing and levelling, the disposal of sewage, the provision of roads, sidewalks, gas, electricity and water and the cost of preparing plans of subdivisions and other plans required in connection with such works and undertakings; and "Improvements."
- (f) "mortgage" includes a hypothec. "Mortgage."

PERSONS ELIGIBLE.

"46. Subject to this Part, and notwithstanding anything in Part I or any other Act of the Parliament of Canada, every veteran is eligible to participate in the benefits of this Part, except

- (a) a veteran who has entered into a contract with the Director under section 10, subsection (9) of section 11 or section 23 or has received a grant from the Director under section 38 or 39, which contract or the agreement relating to which grant
- (i) has not been rescinded or otherwise terminated,
- (ii) was not rescinded or otherwise terminated until after the expiration of the ten year period referred to in subsection (4) of section 10 or, in the case of the agreement relating to the grant, until after the expiration of the period after which, under the agreement, he is not required to repay such grant,
- (iii) was rescinded or otherwise terminated prior to the expiration of the period applicable, as mentioned in subparagraph (ii), otherwise than due to circumstances beyond the control of the veteran, as defined in the regulations, or

- (iv) was rescinded or otherwise terminated prior to the expiration of the period applicable, as mentioned in subparagraph (ii), due to circumstances beyond the control of the veteran, as defined in the regulations, unless, in any such case, the veteran repays to the Director for deposit in the Consolidated Revenue Fund any amount by which the value of the benefit received by him by virtue of having entered into the contract or the agreement relating to the grant, as determined by the Minister, exceeded his re-establishment credit under the *War Service Grants Act*, together with interest on that amount at the rate of three and one half per cent per annum from the date of such rescission or termination;
- (b) a veteran to whom an allowance has been paid under the *Veterans Rehabilitation Act*, for the purpose of taking an undergraduate or postgraduate course at a university as defined in that Act, for a period of more than nine months; and
- (c) a veteran who is indebted to the Director under section 15.

FINANCIAL AND TECHNICAL ASSISTANCE.

Financial and
technical
assistance.

"47. (1) In any case where, for the purposes of this Part, the Corporation has approved of a loan under the *National Housing Act, 1954*, to an eligible veteran in respect of the construction by him of a single-family dwelling for his own use on suitable land to be provided as prescribed in this Part, the Director may, if he is satisfied that such veteran is competent to build his own home and is in a position to do so, furnish to such veteran financial, technical and other necessary assistance in the manner and to the extent authorized by this Part.

Where land
owned by
Director.

(2) Where the land in respect of which any loan referred to in subsection (1) has been approved is owned by the Director, the veteran shall, before any contract is entered into by him with the Director under section 48, pay to the Director in cash an amount equal to the cost to the Director of that land, as determined by the Director, or eight hundred dollars, whichever is the greater.

Where land
not owned by
Director.

(3) Where the land in respect of which any loan referred to in subsection (1) has been approved is not owned by the Director, the veteran shall, before any contract is entered into by him with the Director under section 48, convey such land or cause the same to be conveyed to the Director, with a good and marketable title free from all encumbrances, and, if the land so conveyed is appraised by the Director at a value of less than eight hundred dollars, the veteran shall in

addition pay to the Director in cash the amount by which eight hundred dollars exceeds such appraised value.

(4) For the purposes of this Part, the Director may

Powers of
the Director.

(a) acquire, by purchase or otherwise, land suitable for or required in connection with the construction of single-family dwellings as contemplated by this Part, and, where in his opinion it is advisable to do so, subdivide any land so acquired or held by him, but no expenditure for the acquisition of any such land in excess of fifteen thousand dollars shall be made by the Director under this paragraph without the approval of the Governor in Council;

(b) construct, maintain and repair on any land acquired or held by him such buildings, improvements and other works as, in his opinion, are necessary for the purposes of this Part;

(c) enter into contracts with any person, firm or partnership or any provincial or municipal authority for effecting such improvements in respect of any land acquired or held by him as, in his opinion, are necessary for the purposes of this Part;

(d) subject to this Part, sell or otherwise dispose of any land acquired or held by him or grant any easement, roadway or other interest in, upon or over any such land; and

(e) conduct, for the benefit of eligible veterans, training courses in housing construction on such terms and conditions as the Governor in Council may prescribe.

CONSTRUCTION CONTRACTS.

"48. (1) Subject to section 47, the Director may enter into a contract with any eligible veteran certified by him to be qualified under subsection (1) of section 47, for the construction by that veteran of a single-family dwelling for his own use, at a cost to the Director not exceeding

Director may
enter into
construction
contract.

(a) eighty five per cent of the market value of the land and the proposed dwelling, as estimated by the Director,

(b) the amount of the loan approved by the Corporation in respect of the construction by that veteran of the proposed dwelling, or

(c) eight thousand dollars,

whichever is the least.

(2) Where the cost of construction of the proposed dwelling, as estimated by the Director, exceeds the least of the amounts mentioned in paragraphs (a), (b) and (c) of subsection (1), the veteran shall, before any contract is entered into by him with the Director under this section, pay to the Director in cash the full amount of such excess, less

Additional
payment may
be required.

(a) any amount by which the amount paid by the veteran to the Director under subsection (2) of section 47 in respect of the land exceeds the cost to the Director of that land, as determined by the Director; and

(b) any amount paid by the veteran to the Director under subsection (3) of section 47.

No contract
in certain
cases.

(3) Notwithstanding subsection (1), no contract shall be entered into by the Director under this section with any veteran with whom, under this section, the Director has previously entered into any contract, unless such contract was terminated by the Director, prior to the completion of the dwelling in respect of which it was entered into, due to circumstances beyond the control of the veteran as defined in the regulations, and the veteran repays to the Director in cash the full amount of any loss sustained by the Director, as determined by the Director, by reason of having entered into such contract.

Veteran not
an agent or
servant.

(4) A veteran is not an agent or servant of the Director or of Her Majesty by reason only of having entered into a contract with the Director under this section.

COLLATERAL AGREEMENTS.

Collateral
agreements.

"49. (1) Every veteran who enters into a contract with the Director under section 48 shall, at the time of entering into that contract, enter into a collateral agreement with the Director providing, *inter alia*, for the execution by the veteran, upon the completion of the dwelling as required under the contract, of a mortgage under the *National Housing Act, 1954* in favour of the Corporation or an approved lender for the amount of the approved loan referred to in subsection (1) of section 47 and the insurance fee required under paragraph (a) of subsection (6) of section 6 of the *National Housing Act, 1954* in respect of an instalment loan under that Act.

(2) The Director may, in the case of a married veteran, require that any collateral agreement or mortgage to be entered into or executed by the veteran as described in subsection (1) shall be entered into or executed, as the case may be, by the veteran and his spouse.

CONSTRUCTION ADVANCES AND ASSISTANCE.

Construction
advances and
assistance.

"50. From time to time during the course of construction of any dwelling in respect of which a contract has been entered into under section 48, the Director

(a) shall advance to the veteran such amounts as are required under the contract to be advanced by him to that veteran; and

(b) may furnish to the veteran free of charge such technical advice and assistance, including such standard plans and drawings as the Director has available, as, in the opinion of the Director, may be required by that veteran.

COMPLETION OF CONTRACT.

"51. (1) Upon the completion of the dwelling as required under the contract and upon the execution of the mortgage mentioned in subsection (1) of section 49, the Director shall, at his own expense, provide for the registration of such mortgage and for the conveyance to the veteran of the land in respect of which the contract was entered into, at which time the Corporation or the approved lender, whichever is the mortgagee, shall remit to the Director

Registration of mortgage, conveyance of land, etc.

(a) an amount equal to the cost to the Director of the said dwelling, and

(b) one-eighth of the insurance fee mentioned in subsection (1) of section 49;

and, where the mortgagee in any such case is an approved lender, the balance of the insurance fee mentioned in subsection (1) of section 49 shall be remitted by the approved lender to the Corporation.

(2) Where, under the circumstances described in subsection (1), the amount of the approved loan referred to in subsection (1) of section 47 exceeds the cost to the Director of the dwelling, the Corporation or the approved lender, whichever is the mortgagee, shall pay to the veteran the full amount of such excess.

Payment to be made by mortgagee.

(3) The remission to the Director by the Corporation or an approved lender of any amount mentioned in paragraph (a) of subsection (1) has the same effect, as between the Corporation or the approved lender and the veteran, as if the amount so remitted had been paid by the Corporation or the approved lender directly to the veteran.

Effect of payment by mortgagee.

"52. (1) With the consent of the veteran and the Corporation, the Director may sell or otherwise dispose of a portion of any land held by the Director in respect of which that veteran has a subsisting contract with the Director under section 48, and the Director shall retain the proceeds of any such sale or disposition, less any amount expended by him in connection therewith, pending execution by the veteran or by the veteran and his spouse, as the case may be, of the mortgage mentioned in subsection (1) of section 49, at which time the Director shall pay the amount so retained, in accordance with any direction in that behalf received by the Director from the Corporation or the approved lender, whichever is the mortgagee,

Sale of portion of land.

(a) to the mortgagee, to be applied by the mortgagee in reduction of the principal amount of the mortgage then outstanding, or

(b) to the veteran;

except that if the contract is terminated by the Director pursuant to the provisions thereof prior to the execution of such mortgage, the amount so retained by the Director shall be held by the Director pending any sale of the land by him under subsection (1) of section 53, and shall be deemed, for the purposes of this Part, to form part of the proceeds of that sale.

Construction of contracts, agreements, etc.

(2) Nothing in this Part and nothing in any contract or collateral agreement entered into under section 48 or 49 shall be construed as conferring upon or vesting in any veteran, prior to the conveyance to that veteran by the Director under subsection (1) of section 51 of the land in respect of which the contract or agreement was entered into, any right, title, interest or estate in that land.

TERMINATION AND SALE.

Termination and sale.

“53. (1) In any case where, pursuant to the provisions of any contract entered into under section 48, such contract is terminated by the Director, the Director may, in accordance with sections 20 and 23, sell the land and dwelling in respect of which the contract was entered into and, in the case of any such land on which the dwelling has not been completed, the Director may complete the dwelling prior to the sale thereof.

Amount to be retained by Director.

(2) Where any sale is made by the Director under subsection (1), the Director shall retain out of the proceeds of such sale

(a) an amount equal to the cost to the Director of the dwelling sold, to the date of the sale,

(b) all amounts expended by the Director, from the date of the termination of the contract to the date of the sale, on account of insurance, taxes, rates and other charges in respect of the property sold, for the repair and maintenance of the property sold and for the completion in any such case by the Director of the dwelling prior to the sale thereof,

(c) all amounts expended by the Director in connection with taking over and selling the property, and

(d) interest on the amounts mentioned in paragraphs (a), (b) and (c) from the date of the advance or expenditure thereof by the Director until the date of the sale, at the rate that was payable by a borrower, at the time when the contract was entered into, in respect of a loan made under the *National Housing Act, 1954*;

and any balance remaining of the proceeds of the sale (hereinafter referred to as "the surplus") shall be held by the Director for a period of thirty days after the date of such sale for disposal as provided in section 54.

CLAIMS.

"54. (1) At any time during the period of thirty days referred to in subsection (2) of section 53, any person having a claim against the veteran or his estate for materials supplied or services performed in respect of the property sold may file with the Director a statement setting forth the details of such claim and verified by statutory declaration.

Claims for materials and services.

(2) After the expiration of the period of thirty days referred to in subsection (2) of section 53, if no claims have been filed with the Director in accordance with subsection (1) the Director shall pay the surplus to the veteran or, in the case of a deceased veteran, to his estate, but if within that period one or more such claims are filed with the Director in accordance with subsection (1) the Director shall retain the said surplus for a further period of thirty days, except that during such period he shall pay all or any such claims in full or in part in accordance with any settlement agreed upon by or on behalf of the veteran or his estate and the claimants.

Disposition of surplus.

(3) If, upon the expiration of the further period of thirty days referred to in subsection (2), any claim filed with the Director, in accordance with subsection (1) remains unpaid, the Director shall, upon application to the Exchequer Court of Canada and in accordance with the order of the Court, pay the full amount of such claim into Court and shall pay the remainder, if any, of the said surplus to the veteran or, in the case of a deceased veteran, to his estate.

Unsatisfied claims.

(4) Notwithstanding subsections (2) and (3), where it appears to the Director that the surplus is not sufficient to provide for payment in full of all claims filed with the Director in accordance with subsection (1), the Director shall, upon application to the Exchequer Court of Canada and in accordance with the order of the Court, pay the whole of such surplus into Court.

Where surplus insufficient.

(5) The Director may, in any case mentioned in subsection (3) or (4), retain out of the amount required to be paid by him into Court such an amount as will, in his opinion, be sufficient to provide for payment of his legal costs in connection with such payment into Court.

Expenses of payment into court.

(6) Subsections (3) to (5) of section 24 of the *Exchequer Court Act* apply in respect of amounts paid by the Director into Court pursuant to subsection (3) or subsection (4) of

Ss. (3) to (5) of s. 24 of *Exchequer Court Act* to apply.

this section, as though those amounts were amounts belonging or payable to someone other than the Crown, except that no action lies for the recovery of any such amount or any share thereof otherwise than for materials supplied or services performed in respect of property sold by the Director under subsection (1) of section 53.

HOUSING ACCOUNT.

Payments
out of
C.R.F.

"55. (1) Subject to this Part, there may be advanced out of the Consolidated Revenue Fund

(a) such amounts as are required for the purposes of paragraphs (a), (b) and (c) of subsection (4) of section 47;

(b) an amount in respect of any contract entered into under section 48 equal to the cost to the Director of the dwelling to which that contract relates; and

(c) such amounts contemplated by paragraphs (b) and (c) of subsection (2) of section 53 as the Director is required to expend in the event of the termination by him of any contract entered into under section 48.

Housing
Account.

(2) There shall be established in the Consolidated Revenue Fund an account to be known as the Veterans' Land Act Housing Account, and every advance out of the Consolidated Revenue Fund made pursuant to subsection (1) shall in the first instance be entered as a charge against that account.

Credits.

(3) There shall be shown as credits in the said account

(a) all amounts received by the Director under subsection (2) of section 47, to the extent that the amount so received in any case does not exceed the cost to the Director of the land in that case;

(b) all amounts received by the Director under any sale, grant or other disposition made by him under paragraph (d) of subsection (4) of section 47;

(c) such amounts mentioned in paragraph (a) of subsection (1) of section 51 as are received by the Director from the Corporation or an approved lender;

(d) such amounts mentioned in paragraphs (a), (b) and (c) of subsection (2) of section 53 as are retained by the Director out of the proceeds of any sale made by the Director under subsection (1) of that section; and

(e) such amounts as are charged by the Director under subsection (2) of section 56 to the Insurance Account established under that section.

Advances not
to exceed
prescribed
amount.

(4) No advance under subsection (1) shall exceed fifteen million dollars less the aggregate of all amounts then standing as a charge against the said account.

INSURANCE ACCOUNT.

"56. (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the Veterans' Land Act Insurance Account, to which shall be credited all amounts received by the Director under paragraph (b) of subsection (1) of section 51. Insurance Account.

(2) There shall be charged to the Insurance Account referred to in subsection (1) in the event of a sale by the Director under subsection (1) of section 53, any amount by which the aggregate of the amounts authorized to be retained by the Director under subsection (2) of section 53 out of the proceeds of the sale exceeds the proceeds of that sale. Losses may be charged to Account.

OTHER AMOUNTS.

"57. (1) There shall be kept and maintained in the Consolidated Revenue Fund a Trust Account in which shall be deposited to the credit of a veteran any amount by which the aggregate of the amounts required to be advanced by the Director to that veteran under any contract entered into under section 48 exceeds the cost to the Director of the dwelling to which the contract relates. Trust Account

(2) All advances made under any contract entered into under section 48 to a veteran to whom any amount has been credited in the Trust Account referred to in subsection (1) shall in the first instance be paid out of the Trust Account, and in the event that any portion of the amount so credited to that veteran is not so advanced such portion shall be returned by the Director to him. Initial advances

VETERANS' CO-OPERATIVE HOUSING ASSOCIATIONS.

"58. (1) The provisions of this Part apply with such modifications as the circumstances may require in respect of the construction by an approved veterans' co-operative housing association of single-family dwellings for the use of veterans as contemplated by this Part, and the Governor in Council may make such regulations applying, adapting and modifying the provisions of this Part in relation to approved veterans' co-operative housing associations as in the opinion of the Governor in Council are necessary for the purpose of giving effect to this section. Veterans' co-operative housing associations.

(2) In this section,

(a) "co-operative housing association" means a co-operative association incorporated under the laws of Canada or any province, having as its principal aim or object the construction, on a co-operative basis, of single-family dwellings; and "Co-operative housing association."

(b) "approved co-operative housing association" means a co-operative housing association the instrument of incorporation and the by-laws of which are approved by the Director for the purposes of this section, in respect of which association the Director is satisfied

(i) that all of the dwellings to be constructed by the association as part of any project contemplated by subsection (1) are to be conveyed, upon completion of construction, to the members or shareholders of the association, each of whom will own one such dwelling; and

(ii) that all of the members or shareholders of the association, of whom there shall not be less than six, are eligible veterans who are competent to build their own homes on a co-operative basis and are in a position to do so.

GENERAL.

Form of
contracts,
collateral
agreements

"59. Subject to this Part, every contract entered into under section 48 and every collateral agreement entered into under section 49 shall be in such form as the Governor in Council prescribes, and every such contract and agreement shall contain such covenants, stipulations, conditions and other provisions, including any for the termination thereof by the Director for non-compliance or other cause, as the Governor in Council deems necessary or advisable for the purpose of giving effect to this Part.

Where benefit
received
under Part
II.

"60. A veteran who has entered into a contract with the Director under section 48 is not eligible to enter into any contract with the Director under section 10 or subsection (9) of section 11 or, in his capacity as a veteran, any contract for the purchase of property as contemplated by section 23, or to receive any advance under section 15 or grant under section 38 or 39, except under such circumstances and subject to such terms and conditions as the Governor in Council by regulation prescribes.

Certain
provisions of
Part I to
apply

"61. The provisions of sections 20, 22, 23 and 25, sections 30 to 35, subsection (6) of section 36, section 37 and sections 40 to 44 apply *mutatis mutandis* to this Part.

References
to Part I.

"62. Subject to section 61, a reference to "this Act" contained in sections 6 to 44 and a reference to this Act contained in section 8 of the *War Service Grants Act*, in section 12 of the *Veterans Rehabilitation Act* and in sections 2 and 3 of the *Veterans' Business and Professional Loans Act* shall be construed as a reference to Part I of this Act.

PART III.

FARM IMPROVEMENT ASSISTANCE.

ASSISTANCE LOANS.

"63. Subject to this Part,

(a) in any case where a veteran with whom the Director has a subsisting contract under section 10, subsection (9) of section 11 or section 23 or to whom any advance made under section 15 remains outstanding, requires additional financial assistance for the purpose of Assistance loans.

(i) erecting or improving buildings or providing additions thereto on any land to which that contract or advance relates,

(ii) clearing, breaking, draining or fencing any such land or effecting other improvements of a permanent nature that, in the opinion of the Director, will tend to increase the productive value thereof or promote conservation of the soil thereof, or

(iii) purchasing additional land to be used in connection with the land to which that contract or advance relates; or

(b) in any case where a veteran has requested that contemporaneously with the making of any contract under section 10, subsection (9) of section 11 or section 23 or any advance under section 15, there be advanced by way of loan to him supplementary financial assistance under or in respect of that contract or advance; the Director may, upon application to him by the veteran, advance by way of loan to such veteran for one or more of the purposes specified in paragraphs (a) and (b), amounts in the aggregate not exceeding

(c) three thousand dollars, in the case of a veteran certified by the Director to be a full-time farmer, and

(d) fourteen hundred dollars, in the case of a veteran certified by the Director to be a part-time farmer or a commercial fisherman, with whom the Director has not, otherwise than contemporaneously with the making of such loan, entered into any subsisting contract or made any outstanding advance under the provisions of Part I referred to in this section.

"64. Notwithstanding section 63, no amount may be advanced by the Director under that section by way of loan to any veteran unless the veteran, at the time of the making of the loan, pays to the Director in cash for use by the Director for the purpose for which the loan is to be made, any amount by which the total amount that may be required for that purpose, as estimated by the Director, exceeds the amount to be advanced by the Director by way of loan to him. Amount to be paid by veteran

Amount to
be advanced
by Director.

"65. (1) In any case where the aggregate of the amounts that may be advanced by the Director under section 63 by way of loan to any veteran exceeds the aggregate of

(a) two-thirds of the value, as determined by the Director, of any land to be acquired or additions or improvements to be made consequentially upon the making of the loan, and

(b) two-thirds of any amount deemed by subsection (2) to have been paid by the veteran to the Director for use by the Director for the purpose for which that loan is to be made,

the maximum amount that, notwithstanding section 63, may be advanced by the Director under that section by way of loan to that veteran is the lesser of those aggregate amounts.

Idem.

(2) For the purposes of subsection (1), there shall be deemed to have been paid to the Director, for use by the Director for the purpose for which any loan therein referred to is to be made, such of the following amounts as are applicable, namely:

(a) by any veteran who, in accordance with paragraph (b) of subsection (1) of section 10, has paid to the Director an amount equal to the difference between the cost to the Director, as determined under section 9, of the land including improvements to which any contract referred to in section 63 relates, and the value of that land including improvements as determined by the Director as of the date of the purchase thereof by the Director, the amount so paid to the Director by that veteran;

(b) by any veteran who, at the time of entering into the contract or receiving the advance referred to in section 63, had any equitable or other interest in the land to which that contract or advance relates, the amount or value of that interest, as determined by the Director; and

(c) by any veteran who, since entering into the contract or receiving the advance referred to in section 63, has made improvements to the land of a permanent nature, without cost to the Director, that, in the opinion of the Director, have increased the value of that land, the amount of that increase, as determined by the Director.

FORM OF AGREEMENT.

Form and
content of
agreement.

"66. Every loan made under section 63 shall be evidenced by an agreement entered into between the veteran and the Director, which agreement shall be in such form as the Governor in Council prescribes and shall be supplementary

to and form part of the agreement of sale entered into under section 10, subsection (9) of section 11 or section 23, or the agreement relating to the advance made under section 15, as the case may be, and shall contain

- (a) a description of the land to which the contract or the advance referred to in section 63 relates and of any additional land purchased or to be purchased with the proceeds of the loan,
- (b) a statement setting forth the amount of the loan, the interest payable in respect thereof, and the terms of repayment thereof, and
- (c) such additional terms and conditions as the Governor in Council deems necessary or advisable for the purpose of protecting the rights of the Director and of the veteran under this Part or Part I.

SECURITY.

“67. As long as any portion of any loan made under section 63 remains unpaid, the Director has a first and paramount lien in respect thereof upon the land to which the contract or the advance referred to in that section relates, and upon any additional land purchased or to be purchased with the proceeds of the loan, which lien has priority over all other rights, interests, liens, charges, claims or demands whatsoever of any other person.

Director's
lien.

“68. (1) Where proceeds of a loan made under section 63 are used by the Director to purchase additional land as described in that section,

Where
additional
land
purchased.

- (a) the land so purchased shall be held as security for repayment of the loan in the same manner and subject to the same terms and conditions, as nearly as may be, as the land to which the contract or advance referred to in section 63 relates; and
- (b) subject to this Act, no transfer or conveyance of the land so purchased or discharge of any mortgage thereon shall be given by the Director to the veteran until such time as the veteran has repaid in full his indebtedness to the Director under this Part and Part I.

(2) Subject to this Act, no transfer or conveyance of the land to which any contract or advance referred to in section 63 relates or discharge of any mortgage thereon shall be given by the Director to any veteran to whom a loan under that section has been made, until such time as the veteran has repaid in full his indebtedness to the Director under this Part in respect of that loan.

No transfer,
etc. of land
subject to
Part I
contract.

TERMS OF LOAN.

Terms of
repayment,
interest, etc.

"69. (1) Every loan made under section 63 shall bear interest at the rate of five per cent per annum, and shall be repayable in equal instalments, as set forth in the agreement of loan, amortized over a period not greater than the period then remaining within which, under the contract referred to in section 63 or the agreement relating to the advance made under section 15 therein referred to, the veteran is required to repay his indebtedness to the Director in respect of that contract or advance.

Other terms.

(2) It shall be a term of every agreement of loan entered into under section 66 that, in the event of any sale, lease or other disposition by the veteran of the land upon which the Director has, by virtue of section 67, a first and paramount lien, any portion of the loan then outstanding shall, at the option of the Director, forthwith become due and payable.

GENERAL.

Prohibition.

"70. Notwithstanding anything in this Part, no loan shall be made under section 63 to any veteran who is in default under any contract entered into under section 10, subsection (9) of section 11 or section 23 or in respect of any advance made under section 15, or who is indebted in respect of any loan made pursuant to the *Veterans Business and Professional Loans Act*."

Coming
into force.

11. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1954

2-3 ELIZABETH II.

CHAP. 67.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1955.

[Assented to 26th June, 1954.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble
the Right Honourable Vincent Massey, etc., etc.,
Governor General of Canada, and the estimates accompanying
the said messages, that the sums hereinafter mentioned
are required to defray certain expenses of the public service
of Canada, not otherwise provided for, for the financial
year ending the 31st day of March, 1955, and for other
purposes connected with the Public Service: May it there-
fore please Your Majesty, that it may be enacted, and be
it enacted by the Queen's Most Excellent Majesty, by and
with the advice and consent of the Senate and House of
Commons of Canada, that:

1. This Act may be cited as the *Appropriation Act*, Short title.
No. 4, 1954.

2. From and out of the Consolidated Revenue Fund, \$2,360,-
432,364.67
Main
Estimates
granted for
1954-55.
there may be paid and applied a sum not exceeding in the
whole two billion, three hundred and sixty million, four
hundred and thirty-two thousand, three hundred and
sixty-four dollars and sixty-seven cents, towards defraying
the several charges and expenses of the public service,
from the 1st day of April, 1954, to the 31st day of March,
1955, not otherwise provided for, and being the amount
of each of the items voted, set forth in Schedule A to this
Act, less the amounts voted on account of the said items
by the *Appropriation Act, No. 1, 1954*, and the *Appropriation
Act, No. 3, 1954*.

\$42,314,738
Supple-
mentary
Estimates
granted for
1954-55.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole forty-two million, three hundred and fourteen thousand, seven hundred and thirty-eight dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1954, to the 31st day of March, 1955, not otherwise provided for, and being the amount of each of the items voted, set forth in Schedule B to this Act.

Power to
raise loan of
\$500,000,000
for public
works and
general
purposes.
R.S., c. 116

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the provisions of the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not to exceed in the whole, the sum of five hundred million dollars, as may be required for public works and general purposes.

Lapse o
prior
borrowing
powers

(2) All borrowing powers authorized by section 4 of chapter 54 of the statutes of 1952-53 which are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to
be rendered.
R.S., c. 116.

5. Sums expended under the authority of this Act shall be accounted for in the Public Accounts in conformity with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1954-55. The amount hereby granted is \$2,360,432,364.67, being the amount of each of the items in the Estimates (less reduction of \$250,000 in Resolution No. 535) as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act, No. 1, 1954*, and the *Appropriation Act, No. 3, 1954*.

Sums granted to Her Majesty, by this Act for the financial year ending 31st March, 1955, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	AGRICULTURE	\$	\$
	ADMINISTRATION SERVICE		
1	Departmental Administration.....	432,490	
2	Information Service.....	403,628	
3	Advisory Committee on Agricultural Services.....	5,000	
4	Contributions to Commonwealth Agricultural Bureaux in a total amount of £43,959, notwithstanding that payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of January, 1954, which is.....	120,393	
	SCIENCE SERVICE		
	Science Service Administration—		
5	Operation and Maintenance.....	719,060	
6	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	1,514,806	
7	Bacteriology and Dairy Research.....	213,395	
	Botany and Plant Pathology—		
8	Operation and Maintenance.....	1,403,534	
9	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	198,450	
10	Chemistry.....	757,251	
	Entomology—		
11	Operation and Maintenance.....	2,086,123	
12	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	88,741	
	Forest Biology—		
13	Operation and Maintenance.....	1,923,859	
14	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	230,093	
15	Plant Protection.....	838,448	
	EXPERIMENTAL FARMS SERVICE		
16	Experimental Farms Service Administration.....	181,201	
	Central Experimental Farm including Research and Co-ordinating Divisions for the Experimental Farms Service—		
17	Operation and Maintenance.....	2,242,455	
18	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	307,330	
	Branch Experimental Farms, Sub-Stations and Illustration Stations—		
19	Operation and Maintenance.....	6,351,995	
20	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	1,250,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	AGRICULTURE—Continued	\$	\$
	PRODUCTION SERVICE		
21	Production Service Administration.....	84,843	
	Animal Pathology—		
22	Operation and Maintenance.....	554,721	
23	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	101,770	
	Health of Animals—		
24	Administration of Animal Contagious Diseases Act, and Meat and Canned Foods Act.....	5,540,940	
25	Compensation for animals slaughtered, including compensa- tion for eggs destroyed from infected premises under terms and conditions approved by the Governor in Council.....	482,550	
26	Live Stock and Poultry.....	1,644,413	
27	Plant Products—Seeds, Feeds, Fertilizers, Insecticides and Fungicides Control, including Grant of \$40,000 to Canadian Seed Growers' Association.....	1,483,598	
28	To provide for Grants to Fairs and Exhibitions in accordance with the regulations established by Order in Council of December 22, 1952, P.C. 4602; for payments on account of agreements in force on December 31, 1953, with Exhibi- tion Associations covering the construction of buildings and other major undertakings; and for a Grant of \$50,000 to the Royal Agricultural Winter Fair, Toronto, and Freight Assistance on Livestock Shipments for exhibition thereat..	856,957	
29	Grants to Agricultural Organizations, as detailed in the Esti- mates.....	160,400	
	MARKETING SERVICE		
30	Marketing Service Administration.....	287,343	
31	Agricultural Economics.....	630,153	
32	Dairy Products.....	753,903	
33	Subsidies for Cold Storage Warehouses under the Cold Storage Act, in the amounts detailed in the Estimates.....	450,538	
34	Fruit, Vegetables and Maple Products, and Honey, including Grant of \$5,000 to the Canadian Horticultural Council.....	1,328,444	
35	Live Stock and Live Stock Products.....	1,470,981	
36	Marketing of Agricultural Products, including temporary ap- pointments that may be required to be made notwith- standing anything contained in the Civil Service Act, the amount available for such appointments not to exceed \$6,000	100,000	
	TERMINABLE SERVICES		
37	Freight Assistance on Western Feed Grains.....	17,000,000	
38	Agricultural Lime Assistance.....	500,000	
39	To provide for Quality Premiums on High Grade Hog Carcasses and Administration Costs.....	6,000,000	
	SPECIAL		
40	Agricultural Products Board Administration.....	10,000	
41	To provide for assistance to encourage the improvement of cheese and cheese factories.....	875,000	
42	To provide assistance for the replacement of maple production equipment.....	100,000	
43	For assistance in construction of potato warehouses under terms and conditions to be approved by the Governor in Council.	25,000	
44	Prairie Farm Rehabilitation Act and Water Storage.....	3,899,245	
45	Major Irrigation and Reclamation Projects in the Prairie Provinces.....	7,077,747	
46	Prairie Farm Assistance Act Administration.....	361,500	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	AGRICULTURE—Concluded	\$	\$
	SPECIAL—Concluded		
47	Land Protection, Reclamation and Development in British Columbia under such terms and conditions as may be approved by the Governor in Council.....	143,000	
48	Land Protection and Reclamation; Clearing and Settlement of New Lands under such terms and conditions as may be approved by the Governor in Council.....	795,000	
49	Maritime Marshland Rehabilitation Act.....	2,097,180	
50	Assiniboine River—Dyking and Cut-off.....	100,000	
51	To provide for Administrative Expenses, Agricultural Prices Support Act.....	104,615	76,288,093
	AUDITOR GENERAL'S OFFICE		
52	Salaries and Expenses of Office.....		673,990
	CANADIAN BROADCASTING CORPORATION		
	INTERNATIONAL SHORTWAVE BROADCASTING SERVICE		
53	Maintenance and Operation including authority to credit to the Appropriation revenue from the rental of facilities in Radio-Canada Building to an amount of \$160,000 and to re-expend it for the purposes of the International Service.....	2,199,150	
54	Construction or Acquisition of Buildings, Works, Land and New Equipment, including Supervision.....	195,300	2,394,450
	OFFICE OF THE CHIEF ELECTORAL OFFICER		
55	Salaries and Expenses of Office.....		59,442
	CITIZENSHIP AND IMMIGRATION		
	A—DEPARTMENT		
56	Departmental Administration.....	340,230	
	CITIZENSHIP		
57	Citizenship Registration Branch.....	221,654	
58	Citizenship Branch.....	697,031	
	IMMIGRATION BRANCH		
59	Administration of the Immigration Act.....	968,610	
60	Field and Inspectional Service, Canada, including \$10,000 for Grants to Immigrant Welfare Organizations.....	5,691,266	
61	Field and Inspectional Service, Abroad.....	1,835,259	
62	To provide, subject to the approval of Treasury Board, for Trans-Oceanic and Inland Transportation Assistance for Immigrants, including care en route and while awaiting employment.....	500,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	CITIZENSHIP AND IMMIGRATION—Concluded	\$	\$
	A—DEPARTMENT—Concluded		
	INDIAN AFFAIRS BRANCH		
63	Administration.....	427,964	
	Indian Agencies—		
64	Operation and Maintenance.....	2,239,261	
65	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	647,309	
	Reserves and Trusts—		
66	Operation and Maintenance.....	228,050	
67	Acquisition of Land.....	10,000	
	Welfare of Indians—		
68	Operation and Maintenance.....	1,936,950	
69	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	962,524	
70	Grants to Agricultural Exhibitions and Indian Fairs.....	7,350	
71	Fur Conservation.....	318,030	
	Education—		
72	Administration, Operation and Maintenance.....	7,401,323	
73	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	3,824,200	
74	Grant to provide Additional Services to Indians of British Columbia.....	100,000	
	B—NATIONAL GALLERY OF CANADA		
75	Administration, Operation and Maintenance, including Indus- trial Design Division.....	252,185	
76	Payment to the National Gallery Purchase Account for the purpose of acquiring works of art, in conformity with Sec- tion 8 of the National Gallery Act.....	130,000	28,739,196
	CIVIL SERVICE COMMISSION		
77	Salaries and Contingencies of the Commission.....		2,300,379
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
78	Departmental Administration and payments to Canadian Commercial Corporation and other corporate agencies for services provided in connection with defence purchasing and production.....	6,446,812	
79	To provide capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to approval of Treasury Board.....	25,000,000	
80	To provide for payment of grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors.....	400,000	
	B—CROWN COMPANIES		
81	To provide for expenses incurred by Defence Construction (1951) Limited in procuring the construction of defence projects on behalf of the Department of National Defence.....	3,693,000	
	Canadian Arsenals Limited—		
82	Administration and Operation.....	1	
83	Construction, Improvements and New Equipment.....	4,777,000	40,316,813

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	EXTERNAL AFFAIRS	\$	\$
	A—DEPARTMENT AND MISSIONS ABROAD		
84	Departmental Administration.....	3,333,583	
85	Passport Office Administration.....	256,649	
86	Representation Abroad—Operational—including payment of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff appointed as directed by the Governor General in Council, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments.....	6,301,835	
87	Representation Abroad—Construction, acquisition or improvement of buildings, works, land, new equipment and furnishings, and to the extent that blocked funds are available for these expenditures, to provide for payment from these foreign currencies owned by Canada and provided only for governmental or other limited purposes.....	1,945,480	
88	To provide for official hospitality.....	20,000	
89	To provide for relief of distressed Canadian citizens abroad and their dependents and for the reimbursement of the United Kingdom for relief expenditures incurred by its Diplomatic and Consular Posts on Canadian account (part recoverable).....	15,000	
90	Canadian Representation at International Conferences.....	175,000	
91	Grant to the United Nations Association in Canada.....	11,000	
92	Grant to the International Committee of the Red Cross.....	15,000	
93	To authorize and provide for the payment from foreign currencies owned by Canada and available only for governmental or other limited purposes, in France, The Netherlands and Italy, of fellowships and scholarships and travelling expenses to enable Canadians to study in those countries, and for payment to the Royal Society of Canada of amounts not to exceed \$10,000 in all to meet travelling and other administrative costs incurred by the Society for those it may designate to act on its behalf in selecting persons to receive fellowships and scholarships.....	125,000	
	B—GENERAL		
94	To provide for the Canadian Government's Assessment for Membership in International and Commonwealth Organizations, as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of January, 1954, which is.....	2,893,012	
95	To provide for the Canadian Government's Contribution to the United Nations Expanded Program for Technical Assistance to Under-Developed Countries in an amount of \$872,354 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of January, 1954, which is.....	850,000	
96	Contribution to the United Nations Children's Fund.....	500,000	
	NORTH ATLANTIC TREATY ORGANIZATION		
97	To provide, subject to the approval of the Governor General in Council and notwithstanding anything to the contrary in the Civil Service Act, for special administrative expenses, including payment of remuneration, in connection with the assignment by the Canadian Government of Canadians to the international staff of the North Atlantic Treaty Organization (part recoverable from the North Atlantic Treaty Organization).....	51,000	
	INTERNATIONAL CIVIL AVIATION ORGANIZATION		
98	To provide the International Civil Aviation Organization with office accommodation at less than commercial rates.....	200,218	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	EXTERNAL AFFAIRS—Concluded	\$	\$
	B—GENERAL—Concluded		
	INTERNATIONAL JOINT COMMISSION		
99	Salaries and Expenses of the Commission.....	95,500	
100	To provide for Canada's share of the expenses of studies, surveys and investigations of the International Joint Commission..	104,575	
	TERMINABLE SERVICES		
101	Colombo Plan.....	25,400,000	
102	To provide for the Canadian Government's Assessment for Membership in the Inter-governmental Committee for European Migration in an amount of \$172,349 U.S., not- withstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of January, 1954, which is.....	167,933	
103	To provide for a Gift of Canadian Fish for Relief Purposes in Korea.....	300,000	42,760,785
	FINANCE		
	GENERAL ADMINISTRATION		
104	Departmental Administration.....	1,843,627	
105	Comptroller of the Treasury—Central Office and Branch Offices Administration.....	15,028,392	
	ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS		
106	Superannuation and Retirement Acts, Administration.....	451,557	
107	The Bank Act—Salaries and expenses of the Inspector General of Banks' Office.....	35,670	
108	Administration of the Farm Improvement Loans Act and the Veterans' Business and Professional Loans Act.	86,465	
109	Expenses of the Tariff Board.....	101,993	
	Expenses of the Royal Canadian Mint and the Assay Office, Vancouver, B.C.—		
110	Administration, Operation and Maintenance.....	1,145,465	
111	Construction or Acquisition of New Equipment.....	341,535	
112	Administration of Employees' Instalment Purchase Plan, including sale and delivery of Canada Savings Bonds to Government employees, and of Employees' Group Insurance Plans.....	133,451	
	PAYMENTS TO MUNICIPALITIES		
113	Grants to Municipalities in lieu of taxes on Federal Property— To provide for payments to municipalities in accordance with the Municipal Grants Act, and the Rural Municipal Grants Regulations established by Order in Council of August 6, 1952, P.C. 3729; and to provide for payments to municipalities under Order in Council of July 19, 1950, P.C. 3456, in respect of the cost of medical and hospital services and supplies furnished to federal employees and other per- sons specified therein.....	3,190,000	
	CONTINGENCIES AND MISCELLANEOUS		
114	To provide, subject to the approval of the Treasury Board, for miscellaneous minor and unforeseen expenses including authority to re-use any sums repaid to this appropriation from other appropriations, and special compensation or other rewards for inventions or practical suggestions for improve- ments.....	1,000,000	
115	Cost of Telephone Service at Ottawa for all Departments.....	987,400	
116	Amount required to cover losses incurred on foreign exchange tendered in payment of accounts receivable.....	5,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	FINANCE—Concluded	\$	\$
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
117	To provide, subject to the approval of the Treasury Board, for supplementing other votes for the payment of salaries, wages and other payroll charges.....	1,500,000	
118	To provide for the Government's contribution, as an Employer, to the Unemployment Insurance Fund in respect of Government Employees paid through the Central Pay Office.....	1,000,000	
	GRANTS TO UNIVERSITIES		
119	To provide grants to institutions of higher learning recognized in each province by the Government of Canada and the government of the province as being universities or institutions of equivalent standing equal to an amount, for each province, not exceeding 50 cents per head of its population as certified by the Dominion Bureau of Statistics divided among the recognized institutions of the province proportionately to their enrolment of full time intramural students in personal attendance at the recognized institution or at an institution in the same province affiliated with it who are registered in courses of university level recognized as leading to and counting year for year toward a university degree awarded by a university in Canada and the Minister of Finance may for this purpose more particularly define the terms "university level" and "university degree".....	7,567,000	
	MISCELLANEOUS GRANTS		
120	Canadian General Council of the Boy Scouts Association.....	15,000	
121	Canadian Council of the Girl Guides Association.....	12,000	
122	Royal Astronomical Society of Canada.....	3,000	
123	Royal Canadian Academy of Arts.....	4,025	
124	Canadian Writers Foundation.....	4,000	
125	Boys' Clubs of Canada.....	10,000	
126	Canadian Association of Consumers.....	6,000	
127	Grant to the British Empire and Commonwealth Games Canada (1954) Society to help defray the anticipated operating deficit from the holding of the British Empire and Commonwealth Games in Vancouver in the summer of 1954.....	100,000	
128	Grant to the Canadian General Council of the Boy Scouts Association towards defraying a portion of the operating costs of the Eighth World Jamboree and International Conference to be held in Canada in the summer of 1955.....	50,000	
			34,621,530
	FISHERIES		
	GENERAL SERVICES		
129	Departmental Administration.....	315,090	
130	Information and Educational Service, including Grant of \$3,000 to Nova Scotia Fisheries Exhibition.....	185,500	
131	Markets and Economics Service.....	239,500	
132	Administrative expenses of the Newfoundland Fisheries Board.....	25,450	
133	Industrial Development Service.....	1,000,000	
	FIELD SERVICES		
134	Field Services Administration.....	701,900	
	Protection Branch—		
135	Operation and Maintenance.....	3,136,000	
136	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	490,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	FISHERIES—Concluded	\$	\$
	FIELD SERVICES—Concluded		
	Inspection Branch—		
137	Operation and Maintenance.....	1,031,000	
138	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	15,400	
	Fish Culture and Development Branch—		
139	Operation and Maintenance.....	733,515	
140	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	223,800	
141	Consumer Branch.....	75,600	
142	Fishermen's Indemnity and Loan Plan — Administrative Expenses.....	209,565	
143	To provide for the destruction of Harbour and Gray Seals.....	40,000	
	FISHERIES RESEARCH BOARD OF CANADA		
144	Headquarters Administration.....	131,090	
145	Operation and Maintenance.....	1,995,939	
146	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	220,020	
147	To provide for Federal share of administrative expenses of the Great Lakes Fisheries Research Committee established jointly with the Province of Ontario; and to provide for a programme designed to eliminate lampreys in the Great Lakes.....	165,000	
	INTERNATIONAL COMMISSIONS		
148	To provide for Canadian share of expenses of the International Fisheries Commission appointed under Treaty dated March 2, 1953, between Canada and the United States for the preservation of the North Pacific Halibut Fisheries...	77,900	
149	To provide for Canadian share of expenses of the International Pacific Salmon Fisheries Commission appointed under Treaty dated May 26, 1930, between Canada and the United States for the protection, preservation and extension of the Sockeye Salmon Fisheries of the Fraser River System	155,000	
150	To provide for Canadian share of expenses of the International Whaling Commission, appointed pursuant to the Inter- national Convention for the Regulation of Whaling, dated at Washington, December 2, 1946.....	2,500	
151	To provide for Canadian share of expenses of the International Commission for the Northwest Atlantic Fisheries appointed pursuant to International Conventions for the investigation, protection and conservation of the fisheries of the North- west Atlantic Ocean, dated at Washington, February 8, 1949.	12,500	
152	To provide for Canadian share of expenses of the International North Pacific Fisheries Commission appointed pursuant to the International Convention for the High Seas Fisheries of the North Pacific Ocean, dated May 9, 1952.....	15,000	
	SPECIAL		
153	To provide for operation and maintenance of Newfoundland Bait Service.....	293,890	
154	To provide for the extension of educational work in co-operative producing and selling among fishermen.....	80,000	
155	To provide for administration expenses of the Fisheries Prices Support Act.....	85,875	
156	To provide for assistance in the construction of vessels of the dragger and/or long liner type, subject to such terms and conditions as may be approved by the Governor in Council.	200,000	
157	To provide for assistance in the construction of bait freezing and storage facilities, subject to the regulations established by the Governor in Council.....	30,000	
			11,887,034

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	GOVERNOR GENERAL AND LIEUTENANT- GOVERNORS	\$	\$
158	Office of the Secretary to the Governor General.....	185,168	
159	To authorize and provide for the reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties up to a maximum per annum for each as follows: (a) where the population of the province at the last decennial census did not exceed 500,000, \$5,000; (b) where the population of the province at the last decennial census exceeded 500,000, \$5,000 plus \$1,000 per each 100,000 or fraction of 100,000 of population over 500,000, but not exceeding \$12,000 in any case.....	86,000	271,168
	INSURANCE		
160	Departmental Administration.....	497,820	
161	Expenses of work in the interests of Fire Prevention.....	90,288	588,108
	JUSTICE		
	A—DEPARTMENT		
162	Departmental Administration (including the Former Administration of Justice—Miscellaneous Expenditure, including expenses of litigated matters).....	427,600	
163	Remission Service, including \$10,000 for Grants to Recognized Prisoners' Aid Societies, as may be approved by Treasury Board.....	137,276	
	Supreme Court of Canada—		
164	Administration.....	195,485	
	Exchequer Court of Canada—		
165	Administration.....	106,063	
	Yukon Territorial Court—		
166	Administration.....	16,242	
167	Payments of gratuities to the widows or other dependents of judges who die while in office.....	20,000	
	Combines Investigation Act—		
168	Restrictive Trade Practices Commission.....	71,668	
169	Office of Investigation and Research.....	334,580	
170	Bankruptcy Act Administration.....	42,836	
171	Northwest Territories—Administration of Justice.....	66,530	
172	Yukon Territory—Administration of Justice.....	49,080	
	GENERAL		
173	Expenses of Committee appointed to advise on principles and procedures relating to Remission Service.....	10,000	
	B—PENITENTIARIES		
174	Administration of the Office of the Commissioner of Penitentiaries, including \$40,000 for Grants to Recognized Prisoners' Aid Societies, as may be approved by the Treasury Board.....	375,296	
175	Operation and Maintenance of Penitentiaries, including supplies and services relating thereto; administration, operation, repair and upkeep of buildings, works and equipment; maintenance, discharge and transfer of inmates; compensation to discharged inmates permanently disabled while in penitentiaries.....	8,497,572	
176	Construction, Improvements and New Equipment, including provision for the establishment and construction of a new institution in the Province of Quebec for the confinement and reformation of Federal prisoners.....	1,362,830	11,713,058

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	LABOUR	\$	\$
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
177	Departmental Administration.....	683,551	
178	To provide for expenses of the Economics and Research Branch.	528,366	
179	Annuities Act—Administration.....	997,528	
180	Fair Wages, Conciliation, Industrial Relations, Industrial Disputes Investigations, including the administration of legislation relating thereto, and for activities <i>re</i> promotion of co-operation in industry between Labour and Management...	468,714	
181	Canada Labour Relations Board.....	5,275	
182	Administration of the Canada Fair Employment Practices Act.	9,200	
183	International Labour Conferences.....	62,120	
184	Labour Gazette, authorized by Labour Department Act.....	136,043	
185	To provide for the effective organization and use of agricultural manpower, including recruiting, transporting and placing workers on farms and related industries and assistance to the Provinces pursuant to agreements that may be entered into by the Minister of Labour with the Provinces and approved by the Governor in Council.....	335,000	
186	To provide for expenses of a Women's Bureau.....	24,090	
187	To provide for payments to implement a program for the rehabilitation of disabled persons, in accordance with terms and conditions approved by the Governor in Council, and administrative expenses connected therewith.....	197,513	
	VOCATIONAL TRAINING CO-ORDINATION		
188	Administration.....	67,795	
	To provide for carrying out the purposes of the Vocational Training Co-ordination Act and agreements made thereunder; to authorize the Minister of Labour to enter into agreements with any Province on terms approved by the Governor in Council for the training of persons to fit them for defence industries, the training of members of Her Majesty's Forces and other persons to fit them for skilled armed services occupations; for training of personnel for the merchant marine and training under youth training projects and to provide for the expenditures thereunder and under vocational training agreements entered into in previous years—		
189	Training Payments to the Provinces.....	4,290,000	
190	Payments to the Provinces for Capital Expenditures for vocational schools, buildings and equipment...	300,000	
	GOVERNMENT EMPLOYEES COMPENSATION		
191	Administration of the Government Employees Compensation Act.....	67,259	
	TERMINABLE SERVICES		
192	To provide for expenditures incurred in implementing recommendations of the National Advisory Council on Manpower, and for the administrative costs of the Council.....	11,700	
193	To provide for payment to the National Film Board for educational films for exhibition.....	24,000	
194	To provide for expenses that may be incurred in the arranging for and the movement of workers from outside Canada to work on farms and other essential industry in Canada when Canadian labour is not available to meet the need, including costs connected with the supervision and welfare of persons already immigrated to Canada; administrative expenses connected therewith and to provide for expenditures under agreements with the Provinces authorized by the Governor in Council.....	878,258	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR—Concluded		
	B—UNEMPLOYMENT INSURANCE COMMISSION		
195	Administration of the Unemployment Insurance Act, including expenditures incurred in connection with the activities of the National Employment Service as delegated by the Minister of Labour in accordance with Section 97 of the Act.....	28,122,859	
196	Government's Contribution to the Unemployment Insurance Fund.....	33,750,000	
197	To provide for the transfer of labour to and from places where employment is available and expenses incidental thereto, in accordance with regulations of the Governor in Council.....	75,000	
			71,034,271
	LEGISLATION		
	THE SENATE		
	The Speaker of the Senate—		
198	Allowance in lieu of Residence.....	3,000	
199	General Administration.....	453,249	
	HOUSE OF COMMONS		
	The Speaker of the House of Commons—		
200	Allowance in lieu of Residence.....	3,000	
	Deputy Speaker of the House of Commons—		
201	Allowance in lieu of Apartments.....	1,500	
202	General Administration—Estimates of the Clerk.....	1,250,777	
203	Estimates of the Sergeant-at-Arms.....	726,540	
204	Subscriptions to Publications of the Commonwealth Parliamentary Association to be distributed to Members of the House of Commons, and to provide for the Canadian share of expenses of the Commonwealth Parliamentary Association.....	10,000	
205	To provide hereby, notwithstanding anything contained in the Financial Administration Act or the provisions of the Senate and House of Commons Act respecting the independence of Parliament, for the payment out of the Consolidated Revenue Fund to each Member of the House of Commons appointed by the Governor in Council to be a Parliamentary Assistant (which appointment shall not render such Member ineligible or disqualify him as a Member of the House of Commons) to assist a Minister of the Crown in such manner and to such extent as the Minister may determine and to represent his Department in the House of Commons in the absence of the Minister therefrom, a salary of four thousand dollars per annum and pro rata for any period less than a year.....	56,000	
206	To provide for an allowance to the Deputy Chairman of Committees.....	2,000	
	GENERAL		
207	Printing of Parliament, including salaries of staff of the Joint Distribution Office.....	313,054	
	LIBRARY OF PARLIAMENT		
208	General Administration.....	222,836	
	PENSIONS AND OTHER BENEFITS		
209	Pension to the unmarried sister of the late Colonel Harry Baker, M.P.....	700	
			3,042,656

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	MINES AND TECHNICAL SURVEYS	\$	\$
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
210	Departmental Administration.....	470,422	
	EXPLOSIVES ACT		
211	Explosives Act—Administration, Operation and Maintenance..	97,988	
	MINES BRANCH		
212	Mines Branch Administration.....	81,158	
	Mineral Resources Investigations—		
213	Administration, Operation and Maintenance.....	2,322,462	
214	Construction or Acquisition of New Equipment.....	203,000	
	Investigations of Radioactive Ores—		
215	Administration, Operation and Maintenance.....	308,720	
216	Construction or Acquisition of New Equipment.....	41,000	
217	To provide for payments to McGill University in connection with the development of a Coal-Fired Gas Turbine.....	100,000	
	GEOLOGICAL SURVEY OF CANADA		
	Geological Surveys—		
218	Administration, Operation and Maintenance, including the expenses of the National Advisory Committee on Research in the Geological Sciences, an amount of \$1,500 for Canada's share of the cost of the Committee on Mineral Resources and Geology, London, England, and an amount of \$25,000 for Grants in aid of Geological Research in Canadian Universities.....	2,235,425	
219	Construction or Acquisition of New Equipment.....	104,000	
	SURVEYS AND MAPPING BRANCH		
220	Surveys and Mapping Branch Administration.....	53,012	
	Topographical Surveys, including expenses of the Canadian Board on Geographical Names—		
221	Administration, Operation and Maintenance.....	1,580,845	
222	Construction or Acquisition of New Equipment.....	94,000	
	Canadian Hydrographic Service—		
223	Administration, Operation and Maintenance, including Canada's Annual Contribution of \$5,300 to the International Hydrographic Bureau.....	2,617,873	
224	Construction or Acquisition of New Equipment.....	1,612,945	
	Geodetic Survey of Canada—		
225	Administration, Operation and Maintenance.....	527,613	
226	Construction or Acquisition of New Equipment.....	17,400	
227	International Boundary Commission.....	69,481	
228	Legal Surveys and Aeronautical Charts, including a Grant of \$350 to the Canadian Institute of Surveying and Photogrammetry and the expenses of the Board of Examiners for Dominion Land Surveyors as provided by the Canada Land Surveys Act.....	686,033	
	Map Compilation and Reproduction—		
229	Administration, Operation and Maintenance.....	834,889	
230	Construction or Acquisition of New Equipment.....	71,300	
	GEOGRAPHICAL BRANCH		
231	Geographical Branch—Administration, Operation and Maintenance, including a Grant of \$250 to the Canadian Association of Geographers.....	283,385	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	MINES AND TECHNICAL SURVEYS—Concluded	\$	\$
	DOMINION OBSERVATORIES		
232	Dominion Observatory, Ottawa and Field Stations— Administration, Operation and Maintenance, including membership fee of \$500 to the International Astronomi- cal Union.....	171,621	
233	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	89,800	
234	Dominion Astrophysical Observatory, Victoria, B.C.....	120,353	
	GENERAL		
235	Payments to Royal Canadian Air Force and Commercial Companies for Air Photography, and to defray the expenses of and the purchase of equipment by the Interdepartmental Committee on Air Surveys.....	1,100,000	
236	Provincial and Territorial Boundary Surveys.....	91,000	
	B—DOMINION COAL BOARD		
237	Administration and Investigations of the Dominion Coal Board.	114,380	
238	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council.....	9,850,634	
			26,250,739
	NATIONAL DEFENCE		
	DEFENCE SERVICES		
239	To provide for the Canadian Forces, the Defence Research Board and other expenditures relating to defence, including contributions toward the military costs of the North Atlantic Treaty Organization; to authorize expenditures in the current year out of the amount hereby provided, not exceeding \$300,000,000, under the provisions of Section 3 of the Defence Appropriation Act, 1950, and to provide that, notwithstanding subsection (3) of that Section, where equip- ment or supplies acquired by the Canadian Forces after March 31, 1950, are transferred, the estimated present value thereof shall, if the Governor in Council so directs, be credited to this vote instead of being paid into the special account mentioned in the said subsection (3), and when so credited may be expended for the purposes of the Canadian Forces; and notwithstanding Section 30 of the Financial Administration Act to authorize total commitments for the foregoing purposes of \$4,577,641,724 regardless of the year in which such commitments will come in course of payment (of which it is estimated that \$2,711,822,159 will come due for payment in future years).....	1,865,819,565	
	GENERAL SERVICES		
240	Grants to Military Associations, Institutes and Others, as detailed in the Estimates.....	237,725	
241	War Museum.....	24,690	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	NATIONAL DEFENCE—Concluded	\$	\$
	PENSIONS AND OTHER BENEFITS		
242	Civil Pensions, as detailed in the Estimates.....	2,977	
243	To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payment to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act, as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organizations.....	4,356	
244	Defence Services Pension Act— Government's contribution to the Permanent Services Pension Account.....	36,734,187	1,902,823,500
	NATIONAL FILM BOARD		
245	Administration, Production and Distribution of Films and Other Visual Materials.....	3,211,060	
246	Construction or Acquisition of Equipment.....	220,223	3,431,283
	NATIONAL HEALTH AND WELFARE		
	A—DEPARTMENT		
247	Departmental Administration.....	1,150,272	
	NATIONAL HEALTH BRANCH		
	Health Services		
248	National Health Branch— Administration.....	162,430	
249	Administration of the Quarantine and Leprosy Acts.....	385,837	
250	Immigration Medical Services.....	1,081,677	
251	Sick Mariners Treatment Services.....	684,508	
252	Grants to Institutions Assisting Sailors, in the amounts detailed in the Estimates.....	2,400	
	Laboratory of Hygiene—		
253	Operation and Maintenance.....	500,716	
254	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	580,000	
255	Public Health Engineering.....	189,723	
256	Occupational Health.....	279,433	
257	Civil Service Health.....	300,499	
258	Epidemiology.....	78,497	
259	Administration of the Food and Drugs and the Proprietary or Patent Medicine Acts.....	1,170,416	
260	Administration of the Opium and Narcotic Drugs Act.....	163,879	
	Indians and Eskimos Health Services—		
261	Operation and Maintenance.....	15,440,038	
262	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	1,470,500	
263	Special Technical Services.....	483,202	
264	Health Insurance Studies and Administration of the General Health Grants.....	99,337	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	NATIONAL HEALTH AND WELFARE—Concluded	\$	\$
	A—DEPARTMENT—Concluded		
	NATIONAL HEALTH BRANCH—Concluded		
	General Health Grants		
265	To authorize and provide for General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding Section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$48,433,939.	31,750,000	
	Grants to Health Organizations		
266	Canadian Mental Health Association.	10,000	
267	Health League of Canada.	10,000	
268	Canadian Public Health Association.	5,000	
269	Canadian National Institute for the Blind.	45,000	
270	L'Association Canadienne Francaise des Aveugles.	6,000	
271	L'Institut Nazareth de Montreal.	4,050	
272	Montreal Association for the Blind.	4,050	
273	Canadian Tuberculosis Association.	20,250	
274	Victorian Order of Nurses.	13,100	
275	St. John Ambulance Association.	10,000	
276	Canadian Red Cross.	10,000	
277	Canadian Paraplegic Association.	15,000	
278	Canadian Ophthalmological Society.	2,000	
279	World Federation for Mental Health.	10,000	
	WELFARE BRANCH		
280	Welfare Branch Administration.	33,120	
	Family Allowances and Old Age Security—		
281	Administration.	2,650,946	
	Old Age Assistance and Blind Persons Allowances—		
282	Administration of the Old Age Assistance and Blind Persons Allowances Acts.	116,558	
	National Physical Fitness Act—		
283	To provide for the administration of the Act, the sum hereby provided, notwithstanding Sections 8 and 9 of the said Act, to be credited to a separate account in the Consolidated Revenue Fund, to be subject to Section 35 of the Financial Administration Act and to be paid out by the Minister of Finance upon the requisition of the Minister of National Health and Welfare.	78,141	
284	Assistance to Provinces.	157,670	
285	Assistance to Schools of Social Work.	32,370	
286	Grant to Canadian Welfare Council.	28,000	
287	Grant to Canadian Conference on Social Work.	4,000	
	B—CIVIL DEFENCE		
288	To provide for the Civil Defence program.	6,498,253	
	NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD		
	NATIONAL RESEARCH COUNCIL		
289	Salaries and Other Expenses.	14,294,367	
290	Construction or Acquisition of Buildings, Works, Land and New Equipment.	1,787,265	
			65,736,872

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD—Concluded	\$	\$
	ATOMIC ENERGY CONTROL BOARD		
291	Administration Expenses of the Atomic Energy Control Board.	62,680	
292	Grants for Researches and Investigations with respect to Atomic Energy.....	300,000	
293	Atomic Energy of Canada Limited (Research Program)— Current Operation and Maintenance.....	8,379,765	
294	Construction or Acquisition of Buildings, Works, Land and New Equipment and to authorize Central Mortgage and Housing Corporation to undertake construction of works at Deep River for Atomic Energy of Canada Limited..	4,805,010	29,629,087
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
295	General Administration (including the former Customs Excise Seizure Expenses and Adjustments).....	2,822,515	
296	Inspection, Investigation and Audit Services.....	3,376,797	
297	Ports, Outports and Preventive Stations— Operation and Maintenance.	22,553,155	
298	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	1,050,000	
	TAXATION DIVISION		
299	General Administration... ..	2,413,361	
300	District Offices.....	23,753,632	
	INCOME TAX APPEAL BOARD		
301	Administration Expenses.....	74,920	56,044,380
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
302	Departmental Administration.....	455,547	
	NATIONAL PARKS BRANCH		
303	Branch Administration.....	61,420	
304	National Parks and Historic Sites Services— Administration, Operation and Maintenance.....	4,397,820	
305	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	3,640,735	
306	Grant to the Jack Miner Migratory Bird Foundation.....	5,000	
307	Grant in aid of the development of the International Peace Garden in Manitoba.....	10,000	
308	National Battlefields Commission—To provide for special works at National Battlefields Park, Quebec.....	6,000	
309	Canadian Wildlife Service—Wildlife Resources Conservation and Development, including Administration of the Migratory Birds Convention Act.....	437,271	
310	National Museum of Canada.....	305,681	
	ENGINEERING AND WATER RESOURCES BRANCH		
311	Branch Administration.....	63,156	
	Water Resources Division— Water Resources Division (including Federal share of expenses of the Lake of the Woods Control Board)—		
312	Administration, Operation and Maintenance, in- cluding grant of \$350 to the International Executive Council, World Power Conference...	669,597	
313	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	91,500	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	NORTHERN AFFAIRS AND NATIONAL RESOURCES—Continued	\$	\$
	ENGINEERING AND WATER RESOURCES BRANCH—Concluded		
	Water Resources Division—Concluded		
314	To provide for studies and surveys of the Columbia River Watershed in Canada.....	377,400	
315	Fraser River—50% of the cost of investigations to be carried out by the "Dominion Provincial Board Fraser River Basin" (formerly under Department of Public Works)...	165,000	
316	To provide for a contribution to the cost of constructing a dam on the Conestogo River near Glen Allan, Ontario, for the purposes of flood control and water conservation, in accordance with the terms of an agreement entered into between Canada and the Province of Ontario.....	1,000,000	
	Engineering and Architectural Division—		
317	Administration, Operation and Maintenance.....	438,868	
318	To provide, subject to allocation by Treasury Board, for the design and planning of deferrable projects, the acquisition of sites and the initiation of construction...	100,000	
319	To provide for general investigations by the Northwest Territories Power Commission of the electric power requirements of settlements and industries in the Northwest Territories and the Yukon Territory.....	1,000	
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
320	Branch Administration.....	124,626	
321	Lands Division—Administration of Territorial and Public Lands; Seed Grain Collections.....	383,632	
	Northern Administration Division—		
322	Administration, including a Grant of \$5,000 to the Arctic Institute of North America.....	212,515	
	Northwest Territories, including Wood Buffalo Park and Eskimo Affairs—		
323	Operation and Maintenance.....	1,031,746	
324	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	340,032	
	Forest Conservation and Wildlife Management including Wood Buffalo Park—		
325	Operation and Maintenance.....	448,219	
326	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	111,157	
	Yukon Territory, including Forest Conservation—		
327	Operation and Maintenance.....	517,910	
328	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	58,395	
	FORESTRY BRANCH		
329	Branch Administration.....	111,646	
	Forest Research Division—		
330	Operation and Maintenance.....	989,491	
331	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	65,870	
	Forestry Operations Division—		
332	Administration, Operation and Maintenance.....	216,100	
333	To provide for contributions to the Provinces for assistance in forest inventory and reforestation in accordance with agreements that have been or may be entered into by Canada and the Provinces.....	1,225,000	
334	To provide for a contribution to the Province of New Brunswick for assistance in a program designed to combat the spruce budworm infestation, in accordance with an agreement entered into by Canada and the Province.....	500,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	NORTHERN AFFAIRS AND NATIONAL RESOURCES—Concluded	\$	\$
	FORESTRY BRANCH—Concluded		
	Forest Products Laboratories Division—		
335	Operation and Maintenance.....	577,589	
336	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	35,265	
337	Grant to Canadian Forestry Association.....	10,000	
338	Grant to Pulp and Paper Research Institute of Canada	100,000	
	Eastern Rockies Forest Conservation Board—		
339	Remuneration and expenses of Federal members of the Board.....	12,350	
	CANADIAN GOVERNMENT TRAVEL BUREAU		
340	To assist in promoting the Tourist Business in Canada.....	1,561,407	20,858,945
	POST OFFICE		
341	Departmental Administration.....	1,316,383	
342	Operations—including salaries and other expenses of Staff Post Offices, District Offices, Railway Mail Service Staffs, and supplies, equipment and other items for Revenue Post Offices, also including Administration; and including, not- withstanding section 16 of the Civil Service Act, payment, in such amount or amounts as may be approved from time to time by the Treasury Board, to civil servants who are hired as casual employees.....	76,007,630	
343	Transportation—Movement of Mail by Land, Air and Water, including Administration.....	48,524,258	
344	Financial Services, including audit of revenue, money order and savings bank business; and postage stamps.....	2,586,950	128,435,221
	PRIVY COUNCIL		
	PRIVY COUNCIL OFFICE		
345	General Administration.....	373,405	
	PRIME MINISTER'S RESIDENCE		
346	Maintenance and Operation.....	25,000	
	FEDERAL DISTRICT COMMISSION		
347	To provide for maintenance and improvement of grounds ad- joining Government Buildings at Ottawa, and to authorize an amount not exceeding \$132,000 for construction, im- provements and operation of the parks, parkway system and other works under the control of the Federal District Commission which is additional to the sum of \$300,000 granted by chapter 112, Revised Statutes.....	475,085	
348	Expenses of the National Capital Planning Committee (includ- ing expenses of the National Capital Planning Service formerly under Department of Public Works).....	95,226	
349	To authorize payment of the seventh instalment to a special account in the Consolidated Revenue Fund, known as the National Capital Fund, established under Vote 809, Appropriation Act, No. 4, 1947-48.....	2,500,000	3,468,716

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	PUBLIC ARCHIVES AND NATIONAL LIBRARY	\$	\$
	A—PUBLIC ARCHIVES		
350	General Administration and Technical Services.....	297,020	
	B—NATIONAL LIBRARY		
351	General Administration.....	102,998	
352	Payment to the National Library Purchase Account for the purpose of acquiring books, in conformity with Section 12 of the National Library Act.....	40,000	
			440,018
	PUBLIC PRINTING AND STATIONERY		
353	Departmental Administration.....	557,882	
354	Stationery Branch—Operation of Stationery Stores.....	418,145	
355	Printing and Binding the Annual Statutes.....	40,000	
356	Canada Gazette.....	120,000	
357	Plant Equipment and Replacements.....	341,773	
358	Distribution of Official Documents.....	246,986	
359	Printing and Binding of Official Publications for sale and dis- tribution to Departments and the Public.....	430,000	
			2,154,788
	PUBLIC WORKS		
360	Departmental Administration.....	821,732	
	ARCHITECTURAL BRANCH		
361	Branch Administration.....	701,299	
362	Ottawa—Maintenance and Operation of Public Buildings and Grounds, including repairs and upkeep, rents, furnishings, heating, etc., and to authorize commitments against future years in the amount of \$500,000.....	14,996,664	
363	Maintenance and Operation of Public Buildings and Grounds, other than at Ottawa, including repairs and upkeep, rents, furnishings, heating, etc., and to authorize commitments against future years in the amount of \$800,000.....	20,843,057	
	Acquisition, Construction and Improvements of Public Buildings		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expen- ded on individual listed projects—		
364	Newfoundland.....	550,000	
365	Nova Scotia.....	1,330,000	
366	Prince Edward Island.....	550,000	
367	New Brunswick.....	1,250,000	
368	Quebec.....	10,890,000	
369	Ottawa.....	10,640,000	
370	Ontario (other than Ottawa).....	8,415,000	
371	Manitoba.....	2,665,000	
372	Saskatchewan.....	2,720,000	
373	Alberta.....	3,600,000	
374	British Columbia.....	4,450,000	
375	Yukon and Northwest Territories.....	670,000	
376	Unforeseen Improvements.....	1,200,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—Continued	\$	\$
	ENGINEERING BRANCH		
377	Branch Administration.....	653,824	
	Engineering Services—		
378	Salaries, Surveys, Inspections, etc.....	1,918,878	
379	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	74,900	
	Dredging		
380	Maintenance and Operation of Plant and Contract and Day Labour Works.....	3,674,565	
381	New Plant and Equipment.....	1,464,600	
	Graving Docks		
382	Maintenance and Operation.....	527,026	
	Locks and Dams		
383	Maintenance and Operation.....	413,673	
	Roads and Bridges		
384	Maintenance and Operation.....	423,449	
385	Towards International Bridge over the St. Croix River between St. Stephen, New Brunswick, and Calais, Maine, the State of Maine to pay a like amount.....	125,000	
386	Towards construction of spans of bridge over the Interprovincial channel of the Ottawa River between Pembroke, Ontario, and Allumette Island, Quebec.....	200,000	
	Acquisition, Construction and Improvements of Harbour and River Works		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—		
387	Newfoundland.....	2,189,800	
388	Nova Scotia.....	4,923,000	
389	Prince Edward Island.....	847,800	
390	New Brunswick.....	1,334,500	
391	Quebec.....	4,670,100	
392	Ontario.....	6,573,400	
393	Manitoba.....	103,000	
394	Saskatchewan, Alberta and Northwest Territories.....	180,500	
395	British Columbia and Yukon.....	4,998,500	
	Harbours and Rivers Generally		
396	Repairs and Upkeep for the maintenance of services, including reconstruction and replacements, and to authorize com- mitments against future years in the total amount of \$420,000, no new works to be undertaken.....	3,535,000	
	Trans-Canada Highway Division (formerly under Department of Resources and Development)		
397	Administration, Operation and Maintenance.....	487,484	
398	To provide for surveys and construction of the Trans-Canada Highway through National Parks.....	2,000,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—Concluded	\$	\$
	ENGINEERING BRANCH—Concluded		
	Generally		
399	To provide for remedial works where damages are caused by, or endanger, navigation or Federal Government structures and to complete protection works already under way....	500,000	
	GENERAL		
400	Miscellaneous works not otherwise provided for, not more than \$15,000 to be expended upon any one work.....	590,000	
401	To provide for advance planning of projects including acquisition of sites.....	500,000	
402	To supplement, on approval of Treasury Board except where less than \$1,000 is required, any of the appropriations of the Department of Public Works.....	400,000	
403	To provide for balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1954-55.....	400,000	
404	Statue of the late Sir Robert L. Borden.....	50,000	
405	Emergency Shelter Administration (formerly under Department of Resources and Development).....	25,000	
406	To provide for the expenses incurred by Central Mortgage and Housing Corporation in constructing and supervising construction of married quarters, schools and related services on behalf of the Department of National Defence (formerly under Department of Resources and Development).....	700,000	130,776,751
	ROYAL CANADIAN MOUNTED POLICE		
	Headquarters Administration, National Police Services and Training Establishments—		
407	Administration, Operation and Maintenance.....	7,223,936	
408	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	972,918	
	Land and Air Services—		
409	Operation and Maintenance of Divisions.....	23,488,839	
410	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	3,779,049	
	Marine Services—		
411	Operation and Maintenance.....	1,385,264	
412	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	377,100	
413	Grant to the Chief Constables' Association of Canada.....	500	
414	Grant to the Royal North West Mounted Police Veterans' Association.....	300	
	PENSIONS AND OTHER BENEFITS		
415	Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the Estimates.....	6,439	
416	Pension to Basil Burke Currie.....	685	37,235,030
	SECRETARY OF STATE		
417	Departmental Administration.....	262,619	
418	Companies Branch.....	81,495	
419	Trade Marks Branch, including a contribution of \$2,400 to the International Office for the Protection of Industrial Property	135,727	
420	Bureau for Translations.....	1,076,997	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	SECRETARY OF STATE— <i>Concluded</i>	\$	\$
	PATENT AND COPYRIGHT OFFICE		
421	Administration Division.....	84,835	
422	Patent Division.....	949,248	
423	Copyright and Industrial Designs Division, including a contribution of \$2,100 to the Union Office for the Protection of Literary and Artistic Works.....	22,068	
			2,612,989
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
424	Departmental Administration.....	625,101	
425	Commodities Services, including fees as detailed in the Estimates, the expenditures for these not to exceed the amounts shown unless otherwise approved by Treasury Board.....	657,666	
426	Trade Commissioner Service.....	2,720,244	
427	Information Branch.....	169,323	
428	Economics Branch.....	174,878	
429	International Trade Relations Branch, including a fee of \$6,300 to the International Customs Tariffs Bureau.....	142,555	
	EXHIBITIONS		
430	Exhibitions generally.....	325,962	
431	Canadian International Trade Fair, including authority to refund, from revenue, deposits received for contracts for space.....	867,600	
	STANDARDS BRANCH		
432	Administration, including the Standards Laboratory and administration of the Precious Metals Marking Act.....	188,922	
433	Electricity and Gas Inspection Services.....	683,021	
434	Weights and Measures Inspection Services.....	774,222	
	DOMINION BUREAU OF STATISTICS		
435	Administration.....	198,949	
436	Statistics, including membership fee of \$3,100 to the Inter-American Statistical Institute.....	4,970,005	
437	Census.....	536,321	
	CANADA GRAIN ACT		
	Board of Grain Commissioners—		
438	Administration.....	179,361	
439	Operation and Maintenance Expenses.....	3,688,498	
	Canadian Government Elevators—		
440	Operation and Maintenance Expenses.....	1,380,542	
441	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	299,000	
	SPECIAL		
442	International Economic and Technical Co-operation Branch, including the administration of the Colombo Plan and of certain United Nations co-operation plans.....	118,486	
			18,700,656

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	TRANSPORT	\$	\$
	A—DEPARTMENT		
443	Departmental Administration.....	1,456,640	
444	St. Lawrence Seaway Surveys, Investigations and Design (including the former St. Lawrence Ship Canal Surveys and Investigations).....	820,180	
	CANAL SERVICES		
445	Administration.....	141,980	
446	Operation and Maintenance.....	6,054,242	
447	Construction or Acquisition of Buildings, Works, Land and New Equipment, including payments to Provinces or Municipalities as contributions towards construction done by those bodies.....	2,085,100	
	MARINE SERVICES		
448	Marine Services Administration, including Agencies.....	659,259	
	Marine Service Steamers—		
449	Administration, Operation and Maintenance.....	6,228,000	
450	Construction or Acquisition of Vessels and Equipment.....	3,418,000	
	Aids to Navigation—		
451	Administration, Operation and Maintenance.....	5,111,800	
452	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	1,586,720	
	Nautical Services—		
453	Administration, Operation and Maintenance, including grants and contributions for the purposes indicated in the details of the Estimates; rewards for saving life from vessels in distress; subsidies to salvage companies, and the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in Section 306 of the Canada Shipping Act.....	474,764	
454	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	69,900	
	Pilotage Service—		
455	Administration, Operation and Maintenance, including authority for temporary recoverable advances not exceeding \$20,000.....	540,983	
456	Construction or Acquisition of Buildings, Works, Land and Equipment.....	55,000	
457	Steamship Inspection, including the carrying out of the provisions of the conventions for the safety of life at sea and load lines, and a contribution of \$7,000 to the Province of Nova Scotia, Department of Education.....	646,853	
458	Marine Reporting Service.....	159,760	
	River St. Lawrence Ship Channel Service—		
459	Administration, Operation and Maintenance.....	819,371	
460	Contract Dredging.....	2,500,000	
461	Surveys and Investigations.....	20,000	
	RAILWAY AND STEAMSHIP SERVICES		
462	Repairs and expenses in connection with the operation and maintenance of Official Railway Cars under the jurisdiction of the Department.....	56,240	
	Hudson Bay Railway—		
463	To provide for the difference between the expenditures for operation and maintenance, and revenue accruing from operation during the year ending March 31, 1955, not exceeding.....	425,000	
464	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	138,800	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT—Continued		
	A—DEPARTMENT—Continued		
	RAILWAY AND STEAMSHIP SERVICES—Concluded		
465	Prince Edward Island Car Ferry and Terminals—To provide for the payment during the fiscal year 1954-55 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport made from time to time by the National Company to the Minister of Finance and to be applied by the National Company in payment of the deficit (certified by the auditors of the National Company) in the operation of the Prince Edward Island Car Ferry and Terminals arising in the calendar year 1954.	1,558,000	
466	Strait of Canso—Transportation improvements and facilities.	9,670,000	
467	Enlargement of Dock and Terminal Facilities at North Sydney, Nova Scotia.	956,600	
468	Construction of New Dock and Terminal Facilities at Port-aux-Basques, Newfoundland.	2,253,600	
469	To provide for the payment during the fiscal year 1954-55 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport made from time to time by the National Company to the Minister of Finance and to be applied by the National Company in the payment of the deficit (certified by the auditors of the National Company) in the operation of the North Sydney, Nova Scotia—Port-aux-Basques, Newfoundland, Ferry and Terminals arising in the calendar year 1954.	2,600,000	
470	Construction or Acquisition of Auto-Ferry Vessels, as detailed in the Estimates.	6,950,000	
471	Construction or Acquisition of Vessels for Newfoundland Coastal Services.	900,000	
472	To provide towards the cost of surveys of Newfoundland Railway properties entrusted to the Canadian National Railway Company.	17,500	
473	Deguassing and strengthening for armament, sea-going merchant ships of Canadian registry of 1,000 gross tons and over.	300,000	
474	Maritime Freight Rates Act—For the payment to the Railway Companies operating in the select territory designated by the Act, during the fiscal year 1954-55, of the difference occurring on account of the application of the Act, between the tariff tolls and normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by Auditors of the said Company respecting the Eastern Lines of the Canadian National Railways, and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the calendar year 1954 (Chap. 174, R.S.).	10,948,000	
475	Canadian National (West Indies) Steamships, Limited—To provide for the payment from time to time to the Canadian National (West Indies) Steamships, Limited (hereinafter called "The Company") of the amount of the deficit occurring during the year ending December 31st, 1954, in the operations of the Company and the vessels under the control of the Company, as certified by the Auditors of the Company, and upon applications made by the Company to the Minister of Finance and approved by the Minister of Transport, not exceeding.	581,000	
476	Ogden Point Piers, Victoria, British Columbia—Construction or Acquisition of Buildings, Works and Land.	14,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	TRANSPORT—Continued	\$	\$
	A—DEPARTMENT—Continued		
	PENSIONS AND OTHER BENEFITS		
477	Amount required to pay pensions at the rate of \$300 per annum to former pilots: Arthur Baquet; Adclard Delisle; Raoul Lachance; Jules Lamarre; Wilhelm Langlois; George Larochelle; Auguste Santerre.....	2,100	
478	Railway Employees' Provident Fund—To supplement pension allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum payment during the period January 1, 1954, to March 31, 1955, the sum of \$30 per month instead of \$20 per month as fixed by the said Act.....	12,250	
479	Supplemental Pension Allowances to former employees of Newfoundland Railways, Steamships and Telecommunication Services transferred to Canadian National Railways..	17,000	
	AIR SERVICES		
	Telecommunications Division		
	Airways and Airports—Radio Aviation Services—		
480	Administration, Operation and Maintenance.....	5,740,559	
481	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	2,279,517	
	Radio Act and Regulations (including the former Suppression of Radio Interferences)—		
482	Administration, Operation and Maintenance, including contributions as Canada's share of the administrative costs of various international radio, telegraph and telephone conferences, as detailed in the Estimates.....	1,617,445	
483	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	286,085	
	Radio Aids to Marine Navigation—		
484	Administration, Operation and Maintenance.....	2,456,995	
485	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	481,400	
	Telegraph and Telephone Service—		
486	Administration, Operation and Maintenance.....	591,603	
487	Construction or Acquisition of Buildings, Works, Land and new Equipment, including capital assistance to local telephone systems in sparsely settled areas.....	325,700	
488	Northwest Communication System—Construction or Acquisition of Buildings, Works, Land and New Equipment.....	375,700	
	Meteorological Division		
489	Administration, Operation and Maintenance.....	6,963,110	
490	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	557,500	
	Civil Aviation Division		
491	Control of Civil Aviation, including the Administration of the Aeronautics Act and Regulations issued thereunder.....	998,050	
	Airways and Airports—		
	Operation and Maintenance—		
492	Civil Aviation Services.....	9,262,302	
493	Airway and Airport Traffic Control.....	1,694,831	
	Construction Services—		
494	Administration.....	869,185	
495	Construction or Acquisition of Buildings, Works, Land and New Equipment, including Construction Work on Municipal Airports.....	10,737,291	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	TRANSPORT—Continued	\$	\$
	A—DEPARTMENT—Concluded		
	AIR SERVICES—Concluded		
	Civil Aviation Division—Concluded		
496	Grants to Organizations for the development of Civil Aviation, in the amounts detailed in the Estimates.....	280,000	
497	Contributions to Municipalities or Public Bodies for Construction and Improvements of Airports on Land Acquired by such Organizations.....	93,300	
498	Contributions toward Airport Development and Other Airport Projects on Cost-Sharing Basis, in the amounts detailed in the Estimates.....	240,000	
499	Contributions, as specified in the Details of the Estimates, to other Governments or International Agencies for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of January, 1954, which is.....	259,340	
	Administrative Division		
500	Air Services Administration.....	255,486	
	B—GENERAL		
	AIR TRANSPORT BOARD		
501	Salaries and Other Expenses, including the Canadian Delegation to the International Civil Aviation Organization.....	274,089	
	BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
502	Administration, Operation and Maintenance.....	952,030	
	CANADIAN MARITIME COMMISSION		
503	Administration.....	160,520	
504	Steamship Subventions for Coastal Services, as detailed in the Estimates.....	4,147,725	
	NATIONAL HARBOURS BOARD		
505	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1954 on any or all of the following accounts:		
	Reconstruction and Capital Expenditures—		
	Halifax.....	\$ 989,500	
	Saint John.....	1,815,000	
	Quebec.....	1,365,000	
	Churchill.....	900,000	
	Generally—		
	Unforeseen and Miscellaneous.....	200,000	
		\$5,269,500	
	Less—Amount to be expended from Replacement Funds.....	387,000	
		4,882,500	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	TRANSPORT—Concluded	\$	\$
	B—GENERAL—Concluded		
	NATIONAL HARBOUR BOARD—Concluded		
506	To provide for payment to National Harbours Board, of the amount hereinafter set forth, to be applied in payment of the deficit (exclusive of interest on Dominion Government Advances and depreciation on capital structures) arising in the calendar year 1954, in the operation of the Churchill Harbour.....	95,761	127,135,666
	VETERANS AFFAIRS		
507	Departmental Administration.....	2,214,867	
508	District Services—Administration.....	2,729,993	
509	Veterans' Welfare Services.....	3,291,711	
	Treatment Services—		
510	Operation of Hospitals and Administration.....	39,687,910	
511	Medical Research and Education.....	365,600	
512	Hospital Construction, Improvements, New Equipment and Acquisition of Land.....	5,300,000	
513	Prosthetic Services—Supply, Manufacture and Administration.....	1,009,024	
514	Veterans' Bureau.....	518,325	
515	War Veterans Allowance Board—Administration.....	145,860	
516	Veterans Insurance.....	79,406	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
517	War Veterans Allowances.....	27,365,500	
518	Assistance Fund (War Veterans Allowances).....	350,000	
519	Unemployment Assistance.....	15,000	
520	Hospital and Other Allowances.....	3,200,000	
	MISCELLANEOUS PAYMENTS		
521	To provide for payments to the Last Post Fund; for the payment under regulations of funeral and cemetery charges; for the cost and erection of headstones in Canada; for the maintenance of departmental cemeteries; for the maintenance of Canadian Battlefields Memorials in France and Belgium and for Canada's share of the expenditures of the Imperial War Graves Commission.....	1,503,400	
522	Grant to Canadian Legion.....	9,000	
	CANADIAN PENSION COMMISSION		
523	Administration Expenses.....	2,202,908	
524	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act and including Newfoundland Special Awards.....	128,030,500	
525	Gallantry Awards—World War II and Special Force.....	19,000	
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
526	To provide for the cost of administration of Veterans' Land Act; Soldier Settlement and British Family Settlement..	4,907,146	
527	To provide for the upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property; taxes, insurance and maintenance of public utilities.....	73,500	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	VETERANS AFFAIRS— <i>Concluded</i>	\$	\$
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT— <i>Concluded</i>		
523	To provide for the payment of grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under Section 38 of the Veterans' Land Act and payment of grants to veterans settled on Dominion Lands, in accordance with an agreement with the Minister of Northern Affairs and National Resources under Section 38 of the Veterans' Land Act.....	375,000	
529	To provide for the payment of grants to Indian veterans settled on Indian Reserve Lands under Section 39 of the Veterans' Land Act.....	175,000	
530	To provide for the reduction of indebtedness to the Director of Soldier Settlement of a settler in respect of a property in his possession, the title of which is held by the Director, or such Soldier Settler Loans which are administered by the Indian Affairs Branch of the Department of Citizenship and Immigration, by an amount which will reduce his indebtedness to an amount in keeping with the productive capacity of the property or his ability to repay his indebtedness under regulations approved by the Governor in Council.....	25,000	
531	To authorize and provide, subject to the approval of the Governor in Council, for necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act to correct defects for which neither the veteran nor the contractor can be held financially responsible and for such other work on other properties as may be required to protect the interest of the Director therein.....	5,000	
	TERMINABLE SERVICES		
532	Rehabilitation Benefits, including the training of certain Pensioners, under regulations approved by the Governor in Council.....	1,856,000	225,454,650
	LOANS, INVESTMENTS AND ADVANCES		
	AGRICULTURE		
533	To authorize and provide for the operation of a revolving fund in accordance with the provisions of Section 58 of the Financial Administration Act for the purpose of financing the purchase of stores for use in the construction, maintenance and operation of projects under the direction of the Maritime Marshland Rehabilitation Administration; the amount to be charged to the revolving fund at any time not to exceed	150,000	
	CANADIAN BROADCASTING CORPORATION		
534	Loans to the Canadian Broadcasting Corporation repayable with interest at a rate to be fixed by the Governor in Council on such terms and conditions as the Governor in Council may determine and to be applied in payment of expenditures to cover capital costs of television installations and to support the development of the service. Such loans, with interest, shall be a charge on the revenues of the Canadian Broadcasting Corporation next after the charge imposed under the provisions of Section 17 of the Canadian Broadcasting Act.....	3,000,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	LOANS, INVESTMENTS AND ADVANCES— <i>Continued</i>	\$	\$
	CENTRAL MORTGAGE AND HOUSING CORPORATION		
535	To provide for advances to Central Mortgage and Housing Corporation for the purposes of subsection (1) of Section 45 of the National Housing Act in respect of housing projects for veterans, for the acquisition of land for housing projects, and for housing projects at Gander, Newfoundland, for sale or rental.....	874,000	
	FISHERIES		
536	To authorize and provide for the establishment of one or more special accounts in the Consolidated Revenue Fund, replacing those established by Vote 766, Appropriation Act, No. 3, 1953, for the purposes of a plan to be known as the Fishermen's Indemnity and Loan Plan, to be administered in accordance with regulations of the Governor in Council, for the purpose of assisting fishermen to meet abnormal capital losses; and to authorize payment from the accounts in the current and subsequent fiscal years, in accordance with the regulations, of indemnities and loans, the accounts to be credited with all amounts received by way of premiums, recoveries and repayments, and with advances to the said accounts in accordance with the regulations, such advances not at any time to exceed.....	100,000	
	NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD		
	<i>Atomic Energy of Canada Limited</i>		
537	To provide for advances to Atomic Energy of Canada Limited in such amounts and on such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company) as the Governor in Council may approve, to finance the construction of a new reactor and auxiliary buildings at Chalk River, works to provide services in connection therewith, and housing and other works to be constructed at Deep River, and to authorize Central Mortgage and Housing Corporation to undertake construction of the said housing and other works at Deep River for Atomic Energy of Canada Limited	9,858,000	
538	To provide for Working Capital Advances to Atomic Energy of Canada Limited, subject to such terms and conditions as the Governor in Council may approve.....	5,319,800	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
539	To authorize and provide for a continuing special account in the Consolidated Revenue Fund to which shall be charged expenditures incurred by the Lake of the Woods Control Board in respect of the regulation of the waters in the Winnipeg River Watershed and expenditures incurred under the terms of the Lac Seul Conservation Act, 1928, recoverable from the Province of Manitoba and to which shall be credited amounts recovered, in the case of Lac Seul, under the terms of the agreement between the Government of Canada and the Government of the Province of Manitoba appearing in the Schedule to the British North America Act, 1930, and, in the case of the Lake of the Woods Control Board, under the terms of the agreement among the Government of Canada, the Government of the Province of Ontario and the Government of the Province of Manitoba, appearing in the Schedule to the British North America Act, 1930; the balance outstanding in the account at any time not to exceed.	35,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	LOANS, INVESTMENTS AND ADVANCES—Continued	\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES—Concluded		
540	To provide for loans in the present and ensuing fiscal years not exceeding in the aggregate \$1,000,000 to the Government of the Yukon Territory for the purpose of lending such money to the City of Whitehorse for providing adequate water distribution and sewage disposal systems, the loans to be made to the said Territory in accordance with the terms of an agreement to be entered into between the Government of the Yukon Territory and the Government of Canada; and to authorize the Commissioner in Council to make Ordinances for the borrowing and lending of such money by the Commissioner of the Yukon Territory on behalf of the Territory; amount required in the present fiscal year.....	700,000	
	POST OFFICE		
541	To authorize and provide for the operation of a revolving fund in accordance with Section 58 of the Financial Administration Act for the purpose of acquiring and managing material to be used in the manufacture of uniforms and satchels, the amount to be charged to the revolving fund at any time not to exceed.....	425,000	
	TRANSPORT		
	Railway and Steamship Services		
542	Loan to the Canadian National Railway Company, on such terms and conditions as the Governor in Council may approve, to be applied towards the construction cost of a new dock and facilities at Bar Harbour, Maine, U.S.A., a terminal of the Yarmouth, Nova Scotia—Bar Harbour, Maine, Ferry Service.....	1,000,000	
	Air Services		
543	To provide for the acquisition of land required to control properties in the vicinity of main terminal airports in order to prevent the erection of hazards to flying, and for future development of those airports.....	1,000,000	
	National Harbours Board		
544	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1954 on any or all of the following accounts: Reconstruction and Capital Expenditures— Three Rivers.....\$ 380,000 Montreal.....3,558,200 Vancouver.....376,000 \$4,314,200 Less—Amount to be expended from Replacement Funds.....175,580		
		4,138,620	

SCHEDULE A—Concluded

No. of Vote	Service	Amount	Total
	LOANS, INVESTMENTS AND ADVANCES—Concluded	\$	\$
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans' Land Act		
545	To provide for protection of security — Soldier Settlement, and refunds of surplus to veterans.....	15,000	
546	To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and for protection of security under the Veterans' Land Act.....	21,300,000	47,915,420
			*3,155,795,732

* Net total \$2,360,432,364.67

SCHEDULE B.

Based on the Supplementary Estimates, 1954-55. The amount hereby granted is \$42,314,738, being the amount of each of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1955, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	SCIENCE SERVICE		
635	Science Service Administration— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	224,400	
636	Entomology— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	10,700	
637	Forest Biology— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	13,000	
	PRODUCTION SERVICE		
638	Animal Pathology— Operation and Maintenance—Further amount required.....	26,700	
639	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	84,716	
640	Health of Animals— To provide for payment of compensation to owners of animals or poultry affected with diseases coming under the Animal Contagious Diseases Act, which have died or have been slaughtered in circumstances not covered by the above Act and Regulations made thereunder, and to provide for payment to owners for loss of turkeys while in quarantine; all as detailed in the Estimates....	19,684	
641	Live Stock and Poultry—Further amount required.....	115,400	
	MARKETING SERVICE		
642	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates— Further amount required.....	603,678	
	SPECIAL		
643	To provide for assistance to encourage the improvement of cheese and cheese factories—Further amount required....	150,000	
644	To provide, subject to the approval of the Governor in Council, for assistance to farmers in Manitoba and Saskatchewan for crop losses that occurred between the 1st day of August, 1950, and the 14th day of May, 1953, in respect of which there is no authority under the Prairie Farm Assistance Act to make awards.....	17,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
	AGRICULTURE— <i>Concluded</i>	\$	\$
	SPECIAL— <i>Concluded</i>		
645	To provide, in accordance with such Order as the Governor in Council may make in the circumstances, for the purchase of an annuity under the Government Annuities Act for and on behalf of Mr. M. S. J. McMurachy, discoverer of the parent strain from which Selkirk wheat was developed, and his wife, Mrs. M. J. B. McMurachy, or in the event that one spouse predecease the other before the annuity contract is entered into, to provide for the purchase of an annuity for and on behalf of the surviving spouse.....	10,000	
646	To provide for a contribution to the World Championship Plowing Organization to help defray the cost of the world matches held in Canada in 1953.....	2,500	
			1,277,778
	CANADIAN BROADCASTING CORPORATION		
	INTERNATIONAL SHORTWAVE BROADCASTING SERVICE		
647	Construction or Acquisition of Buildings, Works, Land and New Equipment, including Supervision—Further amount required.....		70,394
	EXTERNAL AFFAIRS		
	B—GENERAL		
648	To provide a further amount of \$627,646 U.S. for the Canadian Government's contribution to the United Nations Expanded Program for Technical Assistance to Under-developed Countries, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of April, 1954, which is.....	615,878	
	TERMINABLE SERVICES		
649	To provide for the expenses incurred by Canada as host at the Ottawa Conference of the Consultative Committee for Co-operative Economic Development in South and South-East Asia (the Colombo Plan).....	121,000	
650	To provide for a grant by the Canadian Government to the Intergovernmental Committee for European Migration for the resettlement of refugees of European origin now in China.	50,000	
651	To provide for a grant by the Canadian Government to the United Nations High Commissioner for Refugees for subsistence relief for refugees of European origin in China.....	50,000	
			836,878
	FINANCE		
	GENERAL ADMINISTRATION		
652	Comptroller of the Treasury—Central Office and Branch Offices Administration—Further amount required.....	167,010	
	ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS		
653	Superannuation and Retirement Acts, Administration—Further amount required.....	13,837	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
	FINANCE—Concluded	\$	\$
	CONTINGENCIES AND MISCELLANEOUS		
654	To provide, subject to the approval of the Treasury Board, for miscellaneous minor and unforeseen expenses including authority to re-use any sums repaid to this appropriation from other appropriations, and special compensation or other rewards for inventions or practical suggestions for improvements—Further amount required.....	500,000	
655	To authorize in respect of fiscal year 1953-54: (a) a reduction of \$99,483,323 49 in the amount owing by the Old Age Security Fund pursuant to Section 11 of the Old Age Security Act, representing the amount of temporary loans made by the Minister of Finance to the Fund during the fiscal year 1952-53 and (b) a charge in the amount of the said reduction to the reserve in the accounts of Canada entitled "Reserve for possible losses on ultimate realization of active assets".	1	
	MISCELLANEOUS GRANTS		
656	To authorize a grant for rehabilitation of the Maison des Etudiants Canadiens in Paris, France, payable in French Francs owned by Canada and available only for governmental or other limited purposes.....	50,000	730,848
	FISHERIES		
	FIELD SERVICES		
657	Protection Branch— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	75,000	
658	Inspection Branch— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	2,000	
	FISHERIES RESEARCH BOARD OF CANADA		
659	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	15,000	
	INTERNATIONAL COMMISSIONS		
660	To provide for Canadian share of expenses of the International North Pacific Fisheries Commission appointed pursuant to the International Convention for the High Seas Fisheries of the North Pacific Ocean, dated May 9, 1952—Further amount required.....	7,500	
	SPECIAL		
661	To provide for operation and maintenance of Newfoundland Bait Service—Further amount required.....	35,000	
662	To provide for a contribution towards the cost of construction of a public aquarium at Vancouver, British Columbia, in accordance with an agreement to be entered into by the Minister of Fisheries with the approval of the Governor in Council whereby adequate facilities are to be made available to the Fisheries Research Board, the total cost to be borne in equal shares by the Government of Canada, the Government of British Columbia and the City of Vancouver, the contribution of the Government of Canada not to exceed.....	100,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES—Concluded		
	SPECIAL—Concluded		
663	Amount required to recoup the accounts of the Fishermen's Indemnity and Loan Plan, established by Vote 536, Main Estimates, 1954-55, for the cost of administrative expenses incurred during the fiscal year 1953-54.....	95,640	330,140
	JUSTICE		
	A—DEPARTMENT		
664	Combines Investigation Act—Restrictive Trade Practices Commission—Further amount required.....	12,000	
665	Office of Investigation and Research—Further amount required.....	43,000	
	GENERAL		
666	Expenses of Committee appointed to advise on principles and procedures relating to Remission Service—Further amount required.....	7,000	
667	Expenses of the Royal Commissions on the Law of Insanity as a Defence in Criminal Cases and on the Criminal Law relating to Criminal Sexual Psychopaths.....	72,250	
	B—PENITENTIARIES		
668	Construction, Improvements and New Equipment, including provision for the establishment and construction of a new institution in the Province of Quebec for the confinement and reformation of Federal prisoners—Further amount required.....	239,848	374,098
	LABOUR		
	A—DEPARTMENT		
	VOCATIONAL TRAINING CO-ORDINATION		
	To provide for carrying out the purposes of the Vocational Training Co-ordination Act and agreements made thereunder; to authorize the Minister of Labour to enter into agreements with any Province on terms approved by the Governor in Council for the training of persons to fit them for defence industries, the training of members of Her Majesty's Forces and other persons to fit them for skilled armed services occupations; for training of personnel for the merchant marine and training under youth training projects and to provide for the expenditures thereunder and under vocational training agreements entered into in previous years—		
669	Training Payments to the Provinces—Further amount required.....	140,000	
670	Contribution to the Canadian National Institute for the Blind towards the costs of facilities for the Vocational Training and Rehabilitation of the Blind.....	350,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR—Concluded		
	B—UNEMPLOYMENT INSURANCE COMMISSION		
671	To provide for the transfer of labour to and from places where employment is available and expenses incidental thereto, in accordance with regulations of the Governor in Council—Further amount required.....	125,000	615,000
	LEGISLATION		
	THE SENATE		
672	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for payment of indemnity to members of the Senate for days lost through absence caused by public or official business, by illness, or on account of death. Payments to be made as the Treasury Board may direct.....	21,000	
673	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each member of the Senate who attended the second part of the First Session of the Twenty-second Parliament which commenced on January 12, 1954, and ended on April 14, 1954, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Easter adjournment of Parliament on April 14, 1954, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date, or at any other one time during that Session.....	5,500	
	HOUSE OF COMMONS		
674	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment of indemnity to the Members of the House of Commons for days lost through absence caused by public or official business, by illness or on account of death. Payments to be made on the recommendation of the Board of Internal Economy and as Treasury Board may direct. Each such payment to be deemed for the purposes of the Members of Parliament Retiring Allowances Act, to be part of the sessional indemnity of the Member for the session in respect of which he received it.....	25,000	
675	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the House of Commons who attended the second part of the First Session of the Twenty-second Parliament, which commenced on January 12, 1954, and ended on April 14, 1954, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Easter adjournment of Parliament on April 14, 1954, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date, or at any other one time during that Session.....	20,000	
	LIBRARY OF PARLIAMENT		
676	General Administration—Further amount required.....	62,010	133,510

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GEOLOGICAL SURVEY OF CANADA		
	Geological Surveys—		
677	Administration, Operation and Maintenance—To provide for an amount of \$2,000 for Canada's share of the cost of the Committee on Mineral Resources and Geology, London, England, to be charged to funds appropriated under Vote 218 of the Main Estimates, 1954-55, in lieu of the amount of \$1,500 provided by that Vote.....	1	
678	Construction or Acquisition of New Equipment—Further amount required.....	13,500	
	SURVEYS AND MAPPING BRANCH		
	Topographical Surveys—		
679	Construction or Acquisition of New Equipment—Further amount required.....	75,000	
680	Map Compilation and Reproduction—Administration, Operation and Maintenance—Further amount required.....	31,800	
	GEOGRAPHICAL BRANCH		
681	Geographical Branch—Administration, Operation and Maintenance—Further amount required.....	7,000	
	DOMINION OBSERVATORIES		
682	Dominion Observatory, Ottawa and Field Stations—Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	15,000	142,301
	NATIONAL HEALTH AND WELFARE		
	NATIONAL HEALTH BRANCH		
	Health Services		
683	Sick Mariners Treatment Services—Further amount required..	275,000	
684	Public Health Engineering—Further amount required.....	12,680	
685	Administration of the Food and Drugs and the Proprietary or Patent Medicine Acts—Further amount required.....	22,900	
	Indians and Eskimos Health Services—		
686	Grant to Tofino General Hospital, Tofino, British Columbia	10,000	
687	Special Technical Services—Further amount required.....	72,000	
	Grants to Health Organizations		
688	Grant to Canadian Psychological Association as assistance to the Fourteenth International Congress of Psychology, to be held in Montreal in 1954.....	2,000	394,580

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD		
	NATIONAL RESEARCH COUNCIL		
689	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	400,000	
	ATOMIC ENERGY CONTROL BOARD		
690	Atomic Energy of Canada Limited (Research Program)— Current Operation and Maintenance—Further amount re- quired.....	250,000	650,000
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
691	Ports, Outports and Preventive Stations— Operation and Maintenance—Further amount required....		703,710
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATIONAL PARKS BRANCH		
692	National Parks and Historic Sites Services— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	98,250	
	ENGINEERING AND WATER RESOURCES BRANCH		
693	To provide for advances made in the fiscal year 1953-54 by the Minister of Finance to the Northwest Territories Power Commission for power development in accordance with Section 15 (2) of the Northwest Territories Power Com- mission Act.....	3,000	
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
	Northern Administration Division—		
	Northwest Territories, including Wood Buffalo Park and Eskimo Affairs—		
694	Operation and Maintenance—Further amount required..	14,932	
695	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required...	581,681	
	Forest Conservation and Wildlife Management, including Wood Buffalo Park—		
696	Operation and Maintenance—Further amount required..	17,320	
697	Yukon Territory, including Forest Conservation—		
698	Operation and Maintenance—Further amount required..	14,000	
	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required...	51,980	781,163
	POST OFFICE		
699	Operations—Further amount required.....		1,265,904

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
	PRIVY COUNCIL	\$	\$
	PRIVY COUNCIL OFFICE		
700	General Administration—Further amount required.....	5,000	
	FEDERAL DISTRICT COMMISSION		
701	To provide for maintenance and improvement of grounds adjoining Government Buildings at Ottawa—Further amount required.....	41,715	
702	Expenses of the National Capital Planning Committee—Further amount required.....	10,079	
703	To authorize the Federal District Commission to expend for construction, improvements and operation of works under its control, revenues accrued or accruing to the Commission from the rental of properties under its control or from other sources.....	1	
			56,795
	PUBLIC WORKS		
	ARCHITECTURAL BRANCH		
	Acquisition, Construction and Improvements of Public Buildings		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
704	Newfoundland.....	200,000	
705	New Brunswick.....	60,000	
706	Quebec.....	1	
707	Ottawa.....	2,050,000	
708	Ontario (other than Ottawa).....	690,000	
709	Saskatchewan.....	1	
710	British Columbia.....	1	
	ENGINEERING BRANCH		
	Graving Docks		
711	Prince Rupert Dry Dock and Shipyard and appurtenant works—to provide for operating losses and essential repairs for the period January 1 to March 31, 1954.....	39,000	
	Roads and Bridges		
712	Maintenance and Operation—Further amount required.....	59,000	
	Acquisition, Construction and Improvements of Harbour and River Works		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—Further amounts required—		
713	Newfoundland.....	1	
714	Nova Scotia.....	700,000	
715	Prince Edward Island.....	250,000	
716	New Brunswick.....	45,000	
717	Quebec.....	243,100	
718	Ontario.....	435,900	
719	British Columbia and Yukon.....	326,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS—Concluded		
	GENERAL		
720	To provide for balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1954-55—Further amount required.....	200,000	
721	To provide for the expenses incurred by Central Mortgage and Housing Corporation in constructing and supervising construction of married quarters, schools and related services on behalf of the Department of National Defence—Further amount required, including authority for such expenses incurred in connection with rental housing for the Department of National Defence.....	750,000	
722	To provide for the restoration of the special account in the Consolidated Revenue Fund established by Section 36 of the National Housing Act, 1954, by the amount paid out of the special account during the fiscal year 1953-54, in respect of preliminary expenses incurred under enabling agreements with Provincial Governments.....	585	6,048,589
	ROYAL CANADIAN MOUNTED POLICE		
	Headquarters Administration, National Police Services and Training Establishments—		
723	Administration, Operation and Maintenance—Further amount required.....	60,000	
	Land and Air Services—		
724	Operation and Maintenance of Divisions—Further amount required.....	393,759	
725	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	127,834	
	Marine Services—		
726	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	225,000	
	PENSIONS AND OTHER BENEFITS		
727	Government's Contribution to the Royal Canadian Mounted Police Pension Account.....	691,648	1,498,241
	SECRETARY OF STATE		
728	Companies Branch—Further amount required.....	9,500	
	PATENT AND COPYRIGHT OFFICE		
729	Patent Division—Further amount required.....	43,200	
	SPECIAL		
730	To provide for special expenditure in connection with a Commission under the Inquiries Act to inquire into the working of the Patent Act, the Copyright Act, the Industrial Designs Act and other related legislation.....	25,000	77,700

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
731	Commodities Services, including fees as detailed in the Estimates, the expenditure for these not to exceed the amounts shown unless otherwise approved by Treasury Board—Further amount required.....	5,500	
	EXHIBITIONS		
732	Exhibitions generally—Further amount required.....	20,000	
	CANADA GRAIN ACT		
733	Canadian Government Elevators— Operation and Maintenance Expenses—Further amount required.....	49,000	
	SPECIAL		
734	To provide hereby, notwithstanding anything contained in the Financial Administration Act or any other Act or Law, for payment out of the Consolidated Revenue Fund to Julio Moreira, a former locally engaged employee, of a Pension in accordance with the terms of Argentine Law, from January 1, 1953, at an annual rate of 16,785.08 Argentine pesos, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of April, 1954, which is.....	1,250	75,750
	TRANSPORT		
	A—DEPARTMENT		
735	St. Lawrence Seaway Surveys, Investigations and Design—Further amount required.....	846,432	
	CANAL SERVICES		
736	Operation and Maintenance—Further amount required... ..	100,000	
737	Construction or Acquisition of Buildings, Works, Land and New Equipment, including payments to Provinces or Municipalities as contributions towards construction done by those bodies—Further amount required.....	367,660	
	MARINE SERVICES		
738	Marine Service Steamers— Administration, Operation and Maintenance—Further amount required.....	350,000	
739	Construction or Acquisition of Vessels and Equipment—Further amount required.....	490,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
	TRANSPORT—Continued	\$	\$
	A—DEPARTMENT—Continued		
	MARINE SERVICES—Concluded		
	Nautical Services—		
740	Administration, Operation and Maintenance, including grants and contributions for the purposes indicated in the details of the Estimates; rewards for saving life from vessels in distress; subsidies to salvage companies, and the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in Section 306 of the Canada Shipping Act—Further amount required.....	5,000	
741	Steamship Inspection, including the carrying out of the provisions of the conventions for the safety of life at sea and load lines, and a contribution of \$115,600 to the Province of Newfoundland, Department of Education—Further amount required.....	115,600	
742	River St. Lawrence Ship Channel Service— Surveys and Investigations—Further amount required.....	10,000	
	RAILWAY AND STEAMSHIP SERVICES		
743	Construction or Acquisition of Auto-Ferry Vessels, as detailed in the Estimates—Further amount required.....	750,000	
	AIR SERVICES		
	Telecommunications Division		
	Airways and Airports—Radio Aviation Services—		
744	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	395,000	
	Radio Aids to Marine Navigation—		
745	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	77,000	
	Telegraph and Telephone Service—		
746	Construction or Acquisition of Buildings, Works, Land and New Equipment, including capital assistance to local telephone systems in sparsely settled areas—Further amount required.....	111,060	
747	Northwest Communication System—Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	121,000	
	Civil Aviation Division		
748	Control of Civil Aviation, including the Administration of the Aeronautics Act and Regulations issued thereunder—Further amount required.....	19,700	
	Airways and Airports—		
	Construction Services—		
749	Administration—Further amount required.....	101,640	
750	Construction or Acquisition of Buildings, Works, Land and New Equipment, including Construction Work on Municipal Airports—Further amount required.....	187,984	
751	Contributions to Municipalities or Public Bodies for Construction and Improvements of Airports and Land Acquired by such Organizations—Further amount required.....	86,000	
752	Contributions toward Airport Development and Other Airport Projects on Cost-Sharing Basis, in the amounts detailed in the Estimates—Further amount required.....	2,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT— <i>Concluded</i>		
	A—DEPARTMENT— <i>Concluded</i>		
	AIR SERVICES— <i>Concluded</i>		
	Civil Aviation Division— <i>Concluded</i>		
753	Contributions, as specified in the Details of the Estimates, to other Governments or International Agencies for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of April, 1954—Further amount required.....	347	
	B—GENERAL		
	AIR TRANSPORT BOARD		
754	Subventions for Air Carriers, as detailed in the Estimates....	20,000	
	CANADIAN MARITIME COMMISSION		
755	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required.....	8,375	
	NATIONAL HARBOURS BOARD		
756	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1954 on any or all of the following accounts: Reconstruction and Capital Expenditures— Halifax—Further amount required.....\$ 550,000 Saint John—Further amount required... 350,000	900,000	5,064,798
	VETERANS AFFAIRS		
	Treatment Services—		
757	Operation of Hospitals and Administration—Further amount required.....	100,000	
758	Prosthetic Services—Supply, Manufacture and Administration—Further amount required.....	42,000	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
759	Assistance Fund (War Veterans Allowances)—Further amount required.....	100,000	
	TERMINABLE SERVICES		
760	Rehabilitation Benefits, including the training of certain Pensioners, under regulations approved by the Governor in Council—Further amount required.....	670,000	912,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	CENTRAL MORTGAGE AND HOUSING CORPORATION		
761	To provide for the restoration of the special account in the Consolidated Revenue Fund established by Section 36 of the National Housing Act, 1954, by the amount paid out of the special account in respect of housing and land development projects undertaken jointly with the governments of the provinces during the fiscal year 1953-54.....	9,000,000	
762	To provide for advances to Central Mortgage and Housing Corporation for the purposes of subsection (1) of Section 37 of the National Housing Act, 1954, in respect of housing projects for veterans, for the acquisition of land for housing projects, and for housing projects at Gander, Newfoundland, for sale or rental—Further amount required, including authority for housing at Pembroke, Ontario, for the rental or sale to employees of Atomic Energy of Canada Limited..	1,110,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
763	To authorize and provide for a continuing special account in the Consolidated Revenue Fund, notwithstanding Section 35 of the Financial Administration Act, to be known as the Eskimo Loan Fund, from which loans or investments may be made to or in respect of individual Eskimos or groups of Eskimos to promote the commercial activities thereof and to provide housing under conditions fixed from time to time by the Treasury Board and to authorize the crediting to this special account of repayments by or in respect of such individual Eskimo or groups of Eskimos and the re-advancing of such moneys; the excess of the amounts charged over the amounts credited to this special account at any time not to exceed \$150,000, of which \$50,000 has already been provided under Vote 546, Appropriation Act, No. 3, 1953.....	100,000	
	TRANSPORT		
	Railway and Steamship Services		
764	Loan to the Canadian National (West Indies) Steamships, Limited, on such terms and conditions as the Governor in Council may approve, for the redemption of Canadian National (West Indies) Steamships, Limited, 25-year, 5 per cent, Government Guaranteed Gold Bonds, issued March 1, 1930, and maturing March 1, 1955.....	3,600,000	
	Air Services		
765	To provide for recoverable advances to enable extension of the Northwest Communication System facilities between Edmonton and the Yukon-Alaska border.....	31,000	
766	Loan to the Canadian Overseas Telecommunication Corporation in accordance with the provisions of Section 14 of the Canadian Overseas Telecommunication Act for additions and betterments to facilities.....	683,561	

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
	LOANS, INVESTMENTS AND ADVANCES— <i>Concluded</i>	\$	\$
	TRANSPORT— <i>Concluded</i>		
	<i>National Harbours Board</i>		
767	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1954 on the following account: Reconstruction and Capital Expenditures— Montreal—Further amount required.....	600,000	
	VETERANS AFFAIRS		
	<i>Soldier Settlement and Veterans' Land Act</i>		
768	To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and for protection of security under the Veterans' Land Act—Further amount required.....	5,150,000	20,274,561
	TOTAL.....		42,314,738

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1954

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